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NORTHWESTERN UNIVERSITY
SCHOOL OF LAW—
A Short History

by

JAMES A. RAHL and KURT SCHWERIN

To Commemorate Its Centennial

1859—1959

Chicago, 1960

127

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Northwestern University School of Law: A Short History*

By James A. Rahl** and Kurt Schwerin***

I The Beginning 1859-1891

Chicago, June 30, 1859
Thursday morning six o'clock

My dear wife,

I have almost concluded that it will not be worthwhile to visit Lewisburg. I am convinced that this place has advantages for a Law School above anything that Lewisburg can possibly offer. The proposition which has been made to me is really liberal. Twenty-eight of the most wealthy and influential citizens here offer to secure to us \$2,000 per annum for two years with rooms free of rent, and if anything more than the above sum is realized from tuition, it is to be at my disposal. Mr. Hoyne says that he has the confidence that the School will commence with 50 students. The tuition fees are to be \$100 per year.

. . . I may be mistaken, but my present judgment is, that here is the place for us to make a home — here 'in the waiting west'

A kiss for the little folks and much love to you all.

Affectionately your husband,

Henry Booth

This letter¹ signaled the establishment of the first law school in Chicago, and the willingness of Henry Booth to serve as its first dean. Founding of the school, which was to become Northwestern University's School of Law, was made possible through a gift of \$5,000 from Thomas Hoyne, a prominent Chicago attorney. The law school originally was established as a Department of the

* This history was written on the occasion of the centennial of the School of Law. The authors wish to acknowledge their indebtedness to Robert A. Van Vooren, Class of 1960, and H. Arvid Johnson, Class of 1961, for their assistance on research for this article.

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1. Original in the law school.

old Chicago University.² At Metropolitan Hall in Chicago on September 21, 1859, Judge Thomas Drummond presided at the dedicatory exercises, and David Dudley Field, the famous law reformer, came from New York to deliver the dedicatory address.³

The Founders

Henry Booth, the first Dean (from 1859 to 1891), was born in 1818 in Roxbury, Connecticut. He was educated at the Roxbury Academy and graduated in 1840 from Yale College. In 1844, he graduated from Yale Law School and practiced later in Pennsylvania, chiefly at Towanda, where he also held the office of Prosecuting Attorney. In 1856, he became a professor at the State and National Law School, Poughkeepsie, and in 1859 came to Chicago as Dean. In 1870, under the new Illinois constitution, Booth was elected a judge of the Circuit Court of Cook County and was re-elected in 1873 for a term of six years. During his nine years as a judge, he did not accept compensation from the law school but continued as Dean. Booth retired as Dean in 1891 and from teaching in 1892. He died in 1898 in Minden, Nebraska, in the home of his daughter, but was buried in Chicago.⁴

The Chicago Legal News said at the time of his death:

For unflinching integrity, Judge Booth had no superior . . . his word imported verity . . . in manner unassuming and genial . . . he was beloved by the hundreds of law students who attended his classes. He had in his quiet way the happy faculty of imparting what he desired to the law student in such a manner that it was not forgotten . . . a thoroughly read lawyer . . . it is doubtful whether any man was better known to the lawyers of the Northwest.⁵

And William Salter stated in a eulogy:

He was a latter-day Puritan. There was that stern facing of truth . . . that willingness to do any kind of painful duty; that strict rule of conscience within. He was not without appreciation of what was beautiful. Particularly did he love the beautiful in verse. He loved Wordsworth . . . Scott . . . Byron . . . and Burns . . . he was also a thorough Shakespeare scholar . . . Long before the war he met the test question that

2. The old Chicago University has no connection with the present University of Chicago. In contemporary documents the University was alternately called "Chicago University" and "University of Chicago."

3. James E. Babb, *Union College of Law, Chicago*, 1 GREEN BAG 330-38 (August, 1889).

4. The biographical data of Booth are taken from Babb, *supra*, note 2, and from the obituaries, 30 Chicago Legal News 305-06, 311-12, 323 (May 7, 14, 21, 1898).

5. 30 Chicago Legal News 305-06 (May 7, 1898).

was presented to every American conscience, and espoused the anti-slavery cause. Since the war, as the extremes of wealth and poverty among free citizens have developed themselves, he felt strongly what are called the 'social problems'.⁶

Booth was one of the founders and first President of the Society for Ethical Culture and one of the founders and President of the Philosophical Society of Chicago.

Thomas Hoyne (1817-1883), the founder of the school, was the son of political refugees from Ireland who came to this country in 1815.⁷ As a young man, Hoyne joined the Literary Association in New York which counted among its members such men as Horace Greeley and Charles P. Daly. With another member, George Manierre,⁸ he came to Chicago in 1837 after having studied law for a year in the office of John Brinkerhoff in New York.

He became "one of the fathers of the city, who assisted in laying its material foundations broad and deep, and at the same time gave his best efforts toward the establishment of an honest public administration. His nature was . . . founded upon a fine enthusiasm based upon common sense. It was such men as he that Chicago needed in the early times."⁹ Hoyne served as County Judge, as U. S. District Attorney for Illinois and was twice a Presidential Elector. With a majority of 33,000 he seemed to have been elected Mayor of Chicago in 1876 on a "Citizens Ticket." However, the election was contested and on a recount the regular Democratic candidate prevailed. Hoyne was the chief promoter of the Chicago Astronomical Society, first President of the Board of the Chicago Public Library, a life member of the Mechanics' Institute, the Academy of Sciences, the Chicago Historical Society, and a trustee of the old Chicago University from its founding in 1858. From 1873 to 1874 he was Chairman of the Board of Trustees of Union College (on behalf of Chicago University), and from 1877 to 1883, when he died in a railway collision, was President of the Joint Board of Management of the College.

6. *Id.* at 312 (May 14, 1898).

7. For biographical data on Hoyne, see *In memoriam—Thomas Hoyne*, MINUTES, NORTHWESTERN UNIVERSITY BOARD OF TRUSTEES, June 17, 1884, 503. These minutes are hereinafter cited as "TRUSTEE MINUTES." See also WATERMAN, 2 HISTORICAL REVIEW OF CHICAGO AND COOK COUNTY 525-29 (Chicago, 1908); IN MEMORIAM: SKETCH OF THE LIFE AND CHARACTER OF THOMAS HOYNE, LL.B., WITH THE PROCEEDINGS OF PUBLIC BODIES ON THE OCCASION OF HIS DEATH. Published for his friends, 1883; PALMER, THE BENCH AND BAR OF ILLINOIS 558-61 (Chicago, 1899); see also CURREY, CHICAGO: ITS HISTORY AND ITS BUILDERS (1912).

8. George Manierre became one of the leaders in the public life of Chicago. Circuit judge from 1855 to his death in 1863, he was one of the creators of the Chicago Law Institute. See Waterman, *op. cit. supra* note 7, at 502.

9. *Id.* at 525.

Union College of Law

Soon after its establishment in 1851, Northwestern University had contemplated the organization of a Department of Law.¹⁰ From time to time, committees were formed to "consider and report on the propriety of establishing a Law Department in the University."¹¹ Finally, in April, 1859, the trustees authorized a Law Department, and W. B. Scates and Henry G. Miller were appointed as Professors of Law, with the provision that "by their advice three other chairs will be filled and a curriculum of studies adopted as soon as they shall deem advisable."¹²

With the opening of the Law Department of the Chicago University, the trustees of Northwestern delayed the establishment of another law school in Chicago. But on June 24, 1873, after discussions between Northwestern and Chicago, evidently at the suggestion of Thomas Hoyne, the Law Department of Chicago University was "declared to be also the Law Department of the Northwestern University." Under the agreement, each of the Universities was to appoint three members of its Board of Trustees who, with the presidents of the faculties of both Universities, were to constitute an executive committee for the immediate control and management of the Law Department. For the support of the Department the two Universities mutually agreed to furnish "each the sum of not less than two thousand (\$2,000) dollars per annum payable quarterly."¹³ It was further agreed that in case either party should fail to meet its financial obligations, the exclusive control of the Law Department should be assumed by the party that should have kept and fulfilled this agreement. Subsequently the Joint Committee named the school *The Union College of Law of the Chicago University and the Northwestern University*, and ordained a course of study requiring for its completion two years of thirty-six weeks each.¹⁴

10. TRUSTEE MINUTES, June 21, 1854, 49.

11. TRUSTEE MINUTES, June 6 and 7, 1857, 95-96, 100; June 29, 1858, 137; July 9, 1858, 140; March 5, 1859, 151.

12. TRUSTEE MINUTES, April 4, 1859, 159.

13. TRUSTEE MINUTES, June 24, 1873, 115-16. See also Oliver H. Horton, *The Law School*, in 4 WILDE, *NORTHWESTERN UNIVERSITY—A HISTORY, 1855-1905*, 39-41 (1905). Oliver Horton was First Vice President of the Board of Trustees of the University. From 1883 to 1888 he had been President of the Board of Management of the Union College. The Chicago Legal News predicted "that two institutions like these cannot run a law school in partnership for any length of time" but "that the course of lectures in this College will be fully equal if not superior to any in the United States." 5 Chicago Legal News 474, 546 (June 28 and August 30, 1873).

14. TRUSTEE MINUTES, June 23, 1874, 233. For 1876, the contributions of the two Universities were only \$1,000 each, and for 1877 the continuance of the school was arranged with a faculty that relied for all its expenses, including salaries, wholly upon the revenues from tuition. (TRUSTEE MINUTES, June 20, 1876, 419, 444).

In 1886, the old Chicago University was forced to discontinue its activities, because of financial difficulties. Under the agreement by which the Union College had been formed, Northwestern University therefore assumed sole control of the College. Later, on July 1, 1891, the College formally became Northwestern University's law school. The contract of merger between Union College and Northwestern provided for the transfer of all the property of the College to the University "in perpetual trust for the sole use of the Union College of Law, hereafter known as Northwestern University Law School." The contract also included the provision "that all persons who are alumni of the Union College of Law are hereby made alumni of Northwestern University Law School."¹⁵

At the first four commencements there were forty-six graduates (1860: eleven; 1861: fourteen; 1862: ten; 1863: eleven). The total number of graduates up to 1873 was 243, and by 1891 when the Union College formally became the Northwestern University Law School, the total number of graduates had risen to over 1,000.¹⁶

The Peregrinations

The first home of the law school was a rented room in the Larmon Block (later known as Reaper Block), at the northeast corner of Clark and Washington Streets. From 1873 to 1877, the school was located in Superior Block, fronting on Court House Square; from 1877 to 1880 in the Parker Block, 95 and 97 Washington Street; from 1880 to 1889 at 80 Dearborn Street, and from 1889 to 1893 at 40 Dearborn Street. From 1893 to 1899 its quarters were on the seventh floor of the Masonic Temple, at Randolph and State Streets. In 1899 it removed to the top floors of the Association Building (YMCA) at 153 LaSalle Street. Finally, in 1901 the University acquired the Tremont House, at Lake and Dearborn Streets, and in 1902 the law school for the first time moved into a home of its own.¹⁷ In the remodeled building, renamed the "Northwestern University Building," the law school occupied the third floor. The school remained in these quarters until it moved in 1926 to the present Chicago Campus at Lake Shore Drive and Chicago Avenue.

15. *Contract with Union College of Law*, TRUSTEE MINUTES, July 23, 1891, 275-77. For proposals for the merger, see *id.*, June 23, 1891, 211-16; Horton, *supra* note 7, at 42-45.

16. CIRCULAR OF INFORMATION 1891-92; Alumni Association, Union College of Law, ALUMNI, OFFICERS AND INSTRUCTORS 1859-1890; see also Appendix.

17. The street addresses listed above were as given prior to 1909, when Chicago's street numbering was changed.

Early School Life

A number of early graduates have described the life and atmosphere of the young institution. Nelson Thomasson, one of the eleven graduates of the class of 1860, reported that "Judge Henry Booth . . . virtually made us his companions and taught us a great deal which we could not have grasped in a large class."¹⁸ He also reported that Booth required the class to attend the case of John A. Wills vs. the Illinois Central Railroad, a jury trial sometime in the fall of 1859 or early in 1860, in which Abraham Lincoln appeared as a lawyer and which was held in the federal court located in the same building as the law school.

Thomas M. Hoyne ('66), the son of the founder, recalled 50 years after his graduation:¹⁹

The Law School was located on the fourth floor of the Larmon Block. It occupied one room. The floor was bare and the furniture consisted of a plain table on a slightly elevated platform and a collection of wooden chairs. Fortunately, there were enough of these to allow each student two if desired. The faculty consisted of Professors Henry Booth and Harvey B. Hurd. Possibly we may have had an occasional lecture by some prominent member of the bar. Professor Booth was the life and spirit of the institution. He was a born teacher.

The method of instruction was by recitations, that is, by reading assignments in a certain textbook which was supplemented by explanation by the professor and discussions by the students. During the course we read Blackstone, Kent, Greenleaf on Evidence, Parson's on Contracts, Washburn on Real Property, Chitty and Stevens on Pleadings, and probably others which I have forgotten. Students were at liberty to attend all classes without regard to the order of studies and if they were able to pass the final examination, graduated. The main thing was to get through with the work as quickly as possible. We had Moot Courts and very good ones. There was also in connection with the school a debating club which was always well attended and at which all the important questions of the day were discussed and settled.

The students were generally poor. I never discovered that any of them had any surplus cash or indulged in any extravagances or riotous living. The line between classes was not clearly drawn.

As compared with the law school of today, this old law school may seem very crude, but fifty years ago law schools were not as common nor as popular as they are today. The idea still prevailed that the way to make a lawyer was to set him down in a law office and let him grow.

18. Letter From Nelson Thomasson, quoted in Wilde, *op. cit. supra* note, 13 at 34-36.

19. *Reminiscences of Thomas M. Hoyne*, 16 THE ALUMNI JOURNAL, 28-31 (June 30, 1916).

Frank H. Childs ('83) remembered many years after he had finished his studies,²⁰ that

as the diploma admitted to the Illinois Bar without examination, the aim of many students seemed to be merely to put in the required time without showing such dense ignorance as to jeopardize their standing in the College. Pranks were of almost daily occurrence. The gas fixtures in the room were few and very crude. The room was not only poorly lighted but also poorly heated.

Yet, Childs also stated that of the senior class of 75 students "quite a large percentage later attained mention in *Who's Who in America*. The best known of them was William Jennings Bryan."

In 1889, James E. Babb ('84), writing on the historical and educational development of the school²¹ stated that

about 876 students had been graduated at this school up to and inclusive of the graduating class of 1888. The class of 1889 will bring the number of graduates almost to 1000. 395 of these graduates are here in Chicago. Four of those are now upon the Bench, among them Gwynn Garnett, being Chief Justice of the Appellate Court. Several of them are Masters in Chancery, and one is the City Attorney. Others stand in the front rank of the Chicago Bar and others still are among Chicago's representative businessmen.

Babb's article added:

As in Chicago, so throughout the Central, Southern, Western, and Northwestern States, the graduates of this school have laid its foundations deep in the social fabric. The Law School already feels the strong pulse of this great power.

The Early Faculty

Associated with Henry Booth as teachers in the first year were two Cook County judges, Grand Goodrich and John M. Wilson; both continued to teach until 1867. Booth, however, was responsible for most of the instruction at first, and in fact Wigmore wrote in 1905 that for the first 30 years "Professor Booth did the greater part of the work at all times, to the end of his career."²²

In 1862, Harvey B. Hurd joined the faculty and, except for an interval of seven years, taught Criminal Law, Equity and other

20. Letter From F. H. Childs to Dr. D. M. Somerville, April 5, 1939, original in Archives.

21. Babb, *supra* note 2, at 338.

22. A complete list of faculty members of the school from 1859 to the present will be found in Appendix C. *infra*. Wigmore, *Instruction in the Law School*, in Wilde, *op. cit.* *supra* note 13, at 53-55.

subjects until his retirement in 1902.²³ Next to Booth, Hurd was undoubtedly the most important member of the faculty in the pre-Wigmore era. In 1869, he was appointed to compile and rewrite the Illinois statutes, and this great undertaking was completed in 1874 when the legislature adopted his revision. Hurd was credited with formation of the Sanitary District of Chicago, and he was the chief proponent and draftsman of the Torrens Land Title Registration Act of 1898 and the Juvenile Court Act of 1899, both of which were pioneer laws among American states. Hurd himself successfully defended the constitutionality of the Torrens Act in argument before the Supreme Court of the state.

Another teacher during the first third of the school's life was Nathan S. Davis, M.D., who was the founder of the American Medical Association, and one of the founders and Dean of Northwestern Medical School from 1869 to 1899.²⁴ Davis lectured on Medical Jurisprudence in the Law School from 1873 to 1896.

Also, Lyman Trumbull taught at the school from 1873 to 1876. Outstanding as a constitutional lawyer, Trumbull served on the Illinois Supreme Court and as a United States Representative and Senator from Illinois. Another former Senator, James R. Doolittle, also was a member of the faculty from 1873 to 1876.

Among other teachers were John A. Jameson, judge and author of "The Constitutional Convention" (1866-71); Van Buren Denslow (1870-77); Marshall D. Ewell (1877-91); and William W. Farwell (1879-93).

II

Critical Years 1891-1901

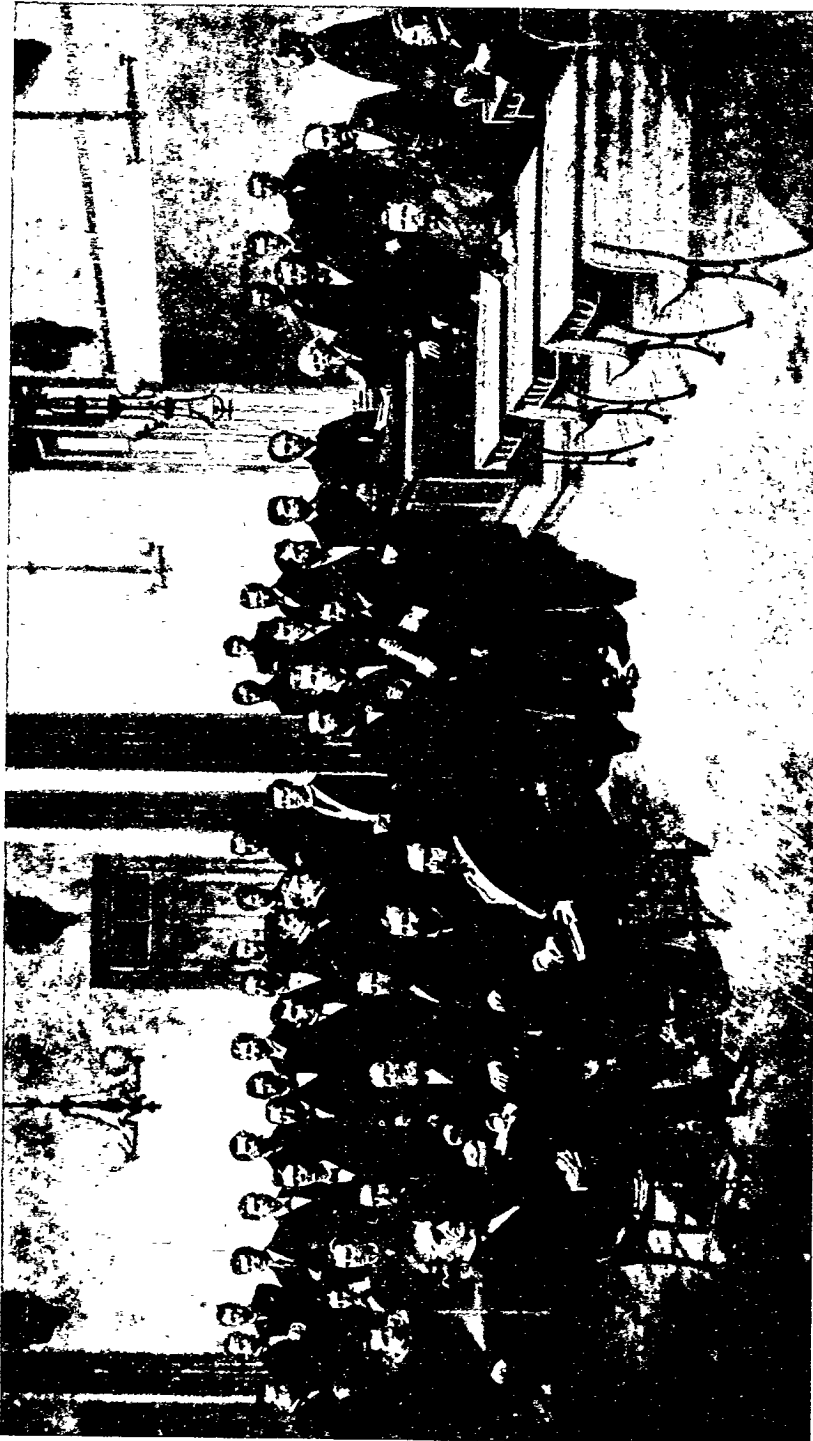
The permanence of the law school was assured by its complete and formal integration into Northwestern University in 1891. Integration, however, did not bring immediate stability, and the decade which followed was one of the most critical in the school's history.

The Deanship

The most difficult problem was that of the deanship. Dean Booth, a pillar of continuity from the beginning, reached the age

23. *Biographical Sketch of Professor Hurd*, SCHOOL OF LAW BULLETIN 42 May, 1902; see also proceedings of reception for Professor Hurd upon his retirement, N. U. SCHOOL OF LAW BULLETIN 25-40 August, 1902.

24. AREY, NORTHWESTERN UNIVERSITY MEDICAL SCHOOL, 1859-1959: A PIONEER IN EDUCATIONAL REFORM (1959).



Class of 1877. Dean Booth seated at desk (right) Dr. Nathan S. Davis seated at left (front).

of 73 and decided to retire from the deanship almost at the moment of Northwestern's assumption of full control. Thereafter, until John Henry Wigmore became Dean in 1901, the school underwent an *inter-regnum* under three successive part-time administrative heads.

Booth's immediate successor was Henry W. Blodgett, a federal judge, who served for only about one year, when he left to act as special counsel for the United States in the famous international arbitration case involving the fur seal dispute between this country and Great Britain.¹ The University then designated its President, Henry Wade Rogers, to serve as Acting Dean from 1892 to 1898. Before coming to Northwestern in 1890, Rogers had served for four years as Dean of the University of Michigan Law School.²

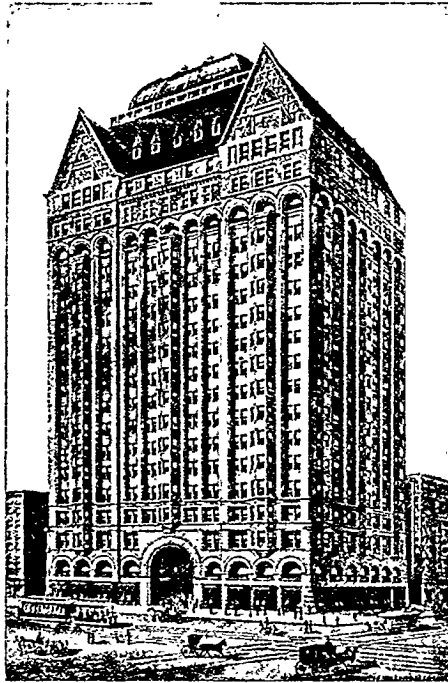
Although his primary responsibilities lay with a growing university, most of which was located in Evanston, President Rogers supplied more than purely formal leadership in affairs of the school during this decade, and frequently took an active part in particular matters. Moreover, he seems to have given the school's needs sympathetic representation before the Board of Trustees. In 1892, the faculty was reorganized under his direction and the number of resident professors (having an office at the school) was increased from one to four.³ Several new, young professors were brought to the faculty by Rogers, including Wigmore, who began teaching in the school in 1893. Others included Nathan Abbott (1891-94), Edward A. Harriman (1892-1901), Blewett Lee (1893-1901) and Julian W. Mack (1895-1902). These men, together with Harvey B. Hurd, carried on the bulk of the teaching during the period, supplemented by a substantial and growing number of part-time teachers and lecturers.

Later in the decade, three other professors who were to render long and distinguished service came to the faculty: Charles Cheney Hyde, (1898-1925); Albert M. Kales, (1899-1918); and Charles G. Little, who taught for many years in the field of corporations and partnerships, while carrying on a Chicago law practice (1900-1941).

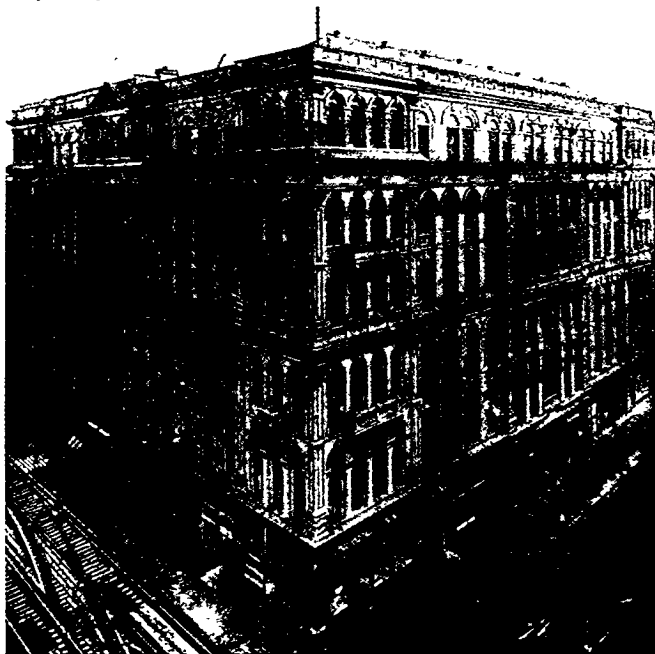
1. Biographical sketch in N. U. LAW SCHOOL, BOOK OF INFORMATION ON \$1,500,000 ENDOWMENT AND BUILDING FUND 23 1919-1920.

2. BROWN, LEGAL EDUCATION AT MICHIGAN 1859-1959 41 (1959). Rogers left Northwestern in 1900 for Yale Law School's faculty where he later became Dean. History enabled Northwestern to repay its debt to Michigan when Henry M. Bates, a graduate of Northwestern's class of 1892, served with distinction as Michigan's Dean from 1910 to 1939. *Id.* at 51.

3. NORTHWESTERN UNIVERSITY, SCHOOL OF LAW, EDUCATIONAL SURVEY, 1927, REPORT OF THE DEAN, Part B, 58. This mimeographed report on a survey of the school was written by Dean Wigmore and consists of seven parts in five mimeographed volumes. It is cited hereinafter as 1927 SURVEY.



Masonic Temple, Randolph and State Streets. The Law School occupied the seventh floor from 1894 to 1899.



Northwestern University Building (Tremont House), Lake and Dearborn Streets, Chicago, 1902-1926. The Law School occupied the third floor.

Hyde brought early renown to Northwestern in the field of International Law. He served as an active member of the faculty until the early 1920's when he was on leave as Solicitor of the United States Department of State. Later he resigned to become Professor of International Law at Columbia.⁴

Kales was one of the foremost Property scholars in American legal history. A prolific writer, he contributed a large number of significant writings to the *Illinois Law Review* during his many years on the faculty, and published several books on Property Law, Future Interests and other subjects. He was also the chief draftsman for the American Judicature Society in its early years. In 1918, he resigned from the faculty in order to devote his full time to practice; he died in 1922.⁵

A fairly large number of part-time teachers and lecturers were appointed for various subjects. These included John Marshall Harlan, the United States Supreme Court Justice, who lectured on Constitutional Law in 1892-93; Judge Walter Q. Gresham;⁶ and Frank O. Lowden ('87) who taught at various times between 1898 and the early 1900's, served as President of the Law Alumni Association, later became Governor of Illinois and by a small margin missed receiving the Republican nomination for President in 1920. Other members of the faculty at this time included James DeWitt Andrews (1896-97), Edwin B. Smith (1895-1902), and Judge Nathaniel C. Sears (1897-1904).

In 1898, Peter S. Grosscup, a judge of the United States Circuit Court and later of the Circuit Court of Appeals, was appointed Dean to relieve President Rogers. Grosscup served for three years until 1901, when he resigned at the end of the school year. Upon receiving his resignation, the Executive Committee of the Board of Trustees decided that henceforth the best interests of the school would require the services of a full-time Dean.⁷ On the same day, September 16, 1901, John Henry Wigmore was appointed as Acting Dean; a week later, this decision was supplanted by a resolution appointing him Dean.⁸

4. 1927 SURVEY, Part B, 60.

5. *Ibid.* See also Wigmore, *Editorial Note on Albert Martin Kales*, 17 ILL. L. REV. 211 (1923).

6. It was reported that "the appointment of Gresham as (U.S.) Secretary of State prevented the delivery of his lectures," TRUSTEE MINUTES, June 13, 1893, 234.

7. TRUSTEE MINUTES, Exec. Comm., Sept. 16, 1901, 346.

8. *Id.*, Sept. 23, 1901, 354.

The Three Year Program

An important change in this period was the increase in the required period of study for the Bachelor of Laws degree from two to three years. The faculty of the school urged the University to make this change in 1895. The report of the faculty, in Wigmore's hand as secretary, noted that Boston, Columbia and Harvard had already begun such a requirement, that Michigan and Yale had announced an intention to do so, and that the legislatures of Ohio and Wisconsin had required it for their states.⁹ Although the Illinois Supreme Court had declined to adopt such a requirement for the state, the faculty nevertheless strongly recommended the change. President Rogers supported the faculty view in his report of June 11, 1895 to the Board of Trustees, with the observation that it no longer seemed "in keeping with the dignity of the University" to confer the degree at the end of two years.¹⁰ On the same day, the Board voted to adopt a three-year requirement for the LL.B. degree, effective with the year, 1896-97.¹¹

Concurrently with the increasing size of the faculty and lengthening of the course of study, the need for adequate accommodations for the school became more pressing. Until some time in the 1880's the school had operated with only a single room. From about 1889 to 1893, there were three rooms consisting of a lecture room, an office and a library. In 1893 when the school moved into the Masonic Temple, there was an expansion to a lecture hall, library and reading room, student's room and offices. These quarters were still modest and cramped, however, and the report of the faculty to the President in 1894 referred to them as "in the highest degree inadequate and unprepossessing."¹² Similar and inadequate accommodations were occupied in the Association Building from 1899 to 1902.¹³

The First Law Journal

During this period, the school's first legal periodical was established. Named *The Northwestern Law Review*, it was published

9. NORTHWESTERN UNIVERSITY SCHOOL OF LAW, RECORDS OF THE FACULTY, 1893-1910, June 10, 1895, 35-37. This one-volume set of handwritten faculty minutes for a 17 year period is cited hereinafter as RECORDS OF THE FACULTY, 1893-1910.

10. TRUSTEE MINUTES, June 11, 1895, 186.

11. *Id.*, June 11, 1895, 222.

12. RECORDS OF THE FACULTY, 1893-1910, June 8, 1894, 18.

13. See description in 4 WILDE, NORTHWESTERN UNIVERSITY, A HISTORY, 1855-1905 69 (1905) (chapter on "Student Life in the Law School," by Hayes McKinney).

monthly by students during the school year from January, 1893 to May, 1896 (4 volumes). 1,000 copies of the first number were printed. This forerunner of the present *Northwestern University Law Review* was the idea of two students, Robertson Palmer ('95) and Herbert S. Hadley ('94).¹⁴ Hadley later became Governor of Missouri, Chancellor of Washington University (St. Louis) and in the Republican Conventions of 1908, 1912 and 1916, was a strong candidate for the Presidential nomination.¹⁵

This early *Review* was allowed to lapse, and it was not until ten years later in 1906 that the school began publication of a new journal, this time called the *Illinois Law Review*.

III

Building a Modern School 1901-1917

At the turn of the century, formal legal education was emerging from childhood. Preparation for the legal profession was still frequently done by means of law office study or apprenticeship, but attendance at law school had become respectable and the generally preferred method. In 1900, the Association of American Law Schools was formed to raise the standards of legal education. It began with twenty-seven charter member schools, including Northwestern. By this time, Northwestern and other leading schools were requiring three years of study, although the Association standards at first required only two years, and were not raised to three until 1906.¹ The "case method" of study, and the "Socratic method" of classroom instruction had become accepted methods of education in the best schools and had been in vogue at Northwestern for years.²

14. *Introductory Note*, 1 Nw. L. Rev. (1893).

15. Biographical sketch in N.U. BULLETIN, LAW SCHOOL NEWS, *Presentation of Flags and Unveiling of Portraits*, Sept. 13, 1926, 9.

1. COLUMBIA UNIVERSITY, THE SCHOOL OF LAW 458 n.1 (1955).

2. N.U. LAW SCHOOL, CIRCULAR OF INFORMATION FOR 1900-1901, June, 1900, 16 stated that "The study of cases is particularly emphasized, especially in the fundamental subjects of the law." Wigmore stated that the "case method" was introduced at Northwestern in 1873 by Professor Denslow, who used the casebook on Contracts prepared by Langdell, the originator of the case method at Harvard in 1871. Wigmore in 4 WILDE, NORTHWESTERN UNIVERSITY, A HISTORY, 1855-1905 65 (1905) (chapter on "Instruction in the Law School"). This did not last, however, and the method was reintroduced in 1892-93 under President Rogers' regime. *Ibid.* There was some adverse reaction at first from the Chicago bar, 1927 SURVEY, Part A, 43.

Legal education had become correspondingly more expensive. The days were long since past when two or three men could cover most of a simple curriculum by lecturing. A first-rate law school required a faculty of substantial size, a number of classrooms and a library of thousands of volumes. A university with a law school in the early 1900's was faced with having to decide whether to provide the substantial support required.

Several events coincided to insure that Northwestern would help set the new and faster pace in legal education. One was the University's decision to provide much larger and better quarters for its professional schools in Chicago. Accordingly, in June of 1901, the Tremont House, famous Chicago hotel at Lake and Dearborn, was purchased and remodeled for occupancy by the Schools of Law, Dentistry and Pharmacy.³ A second factor was the assumption of the University presidency in the latter part of the year, 1901-02, by Edmund J. James.⁴ Although James served for only about three years, he seems to have contributed greatly at this time to increased acceptance of the importance of professional schools.⁵

Wigmore

The most important factor to the future of the school was the presence on the faculty of John Henry Wigmore. When Judge Grosscup submitted his resignation as Dean in the summer of 1901, the faculty consisted of 19 resident and non-resident men. At that moment, however, only two of the four authorized resident professors were committed for the next year (Wigmore and Mack), the other two having recently resigned to enter practice.⁶

The new University of Chicago was then engaged in organizing a law school, and at about this time offers were made both to Wigmore and to Mack to join the new school. It was also suggested to Wigmore that he bring with him Charles Cheney Hyde and Albert M. Kales, who were then promising young instructors at Northwestern. Mack accepted and went to Chicago when it

3. N.U. SCHOOL OF LAW BULLETIN, May, 1902, 39. The Medical School at the time was located at 2421 Dearborn Street.

4. WARD, THE STORY OF NORTHWESTERN UNIVERSITY 237 (1924); N.U. SCHOOL OF LAW BULLETIN, Aug., 1902, 20 (biog. sketch).

5. N.U. BULLETIN, Nov., 1903, 11 contains his address at the time of general dedication of the Northwestern University Building, in which he said that professional schools have ceased to be "appendages", and must become as well-equipped as any departments; and that endowments must be obtained for the law school. See also 1927 SURVEY, Part B, 64; and N.U. SCHOOL OF LAW BULLETIN, Aug., 1902, 36-40 (speech by President James to Law Alumni).

6. 1927 SURVEY, Part B, 64.

began operations in 1902. (In 1903 he became a Circuit Court judge in Cook County, and later became a judge of the United States Circuit Court of Appeals.) Wigmore and the others remained.⁷

Wigmore served as Dean from the fall of 1901 until 1929, when he was succeeded by Leon Green. He continued as a Professor of Law, becoming Emeritus in 1934. He remained at the school thereafter, teaching occasionally and writing vigorously until his death following an automobile accident in 1943.

He was born in San Francisco in 1863, and received his preparatory education there. In 1883, he graduated from Harvard College, and in 1887 from Harvard Law School. Samuel Williston, who was in the law class behind Wigmore's, observes in his autobiography that the Class of 1887 included "several brilliant young men who afterwards achieved distinction," including Wigmore, Joseph H. Beale and Julian W. Mack.⁸ These men, according to Williston, were responsible for the founding of the *Harvard Law Review*.

After two years of practice in Boston, Wigmore was appointed Professor of Anglo-American Law in Keio University, Tokyo, Japan, where he spent three years. In 1893, he returned to receive his appointment as a professor at Northwestern.

Wigmore is known both for his prodigious scholarship and for his achievements as Dean. Probably the greatest legal scholar in American history, he was undoubtedly also one of the most prolific scholars in any field in the history of the world. By 1902, his publications included six books of which he was author or editor and 22 articles in legal periodicals, several of which are classics today.⁹ By 1927, a list of his publications included 22 books and monographs of which he was the author, editor or compiler, and over 200 published articles, papers and notes of varying length.¹⁰

7. *Ibid.*

8. WILLISTON, LIFE AND LAW 82-83 (1940). There were many memorial articles on Wigmore following his death in 1943. They included those in 38 ILL. L. REV. 1 (1943); N.U. ALUMNI NEWS, May, 1943, 1, 10, 16; A.B.A.J. 309, 316, 356, 333 (June 1943); 20 THE LAW STUDENT 3 (1943); 27 J. AM. JUD. SOC'Y 6 (1943); 34 J. CRIM. L. & C. 3 (1943) and articles by Mr. Justice Rutledge in 24 CH. BAR REC. 438 (1943); Roscoe Pound in 56 HARV. L. REV. 988 (1943); and C. B. Stephens in 31 ILL. B.J. 300. See also Robert Wyness Millar in 46 J. CRIM. L., C.&P.S. 4 (1955). A general biographical article by William R. Roalfe is being prepared to appear in a forthcoming issue of the *Journal of Criminal Law, Criminology and Police Science*. Wigmore was buried in Arlington National Cemetery; only a few weeks later his wife of 53 years died suddenly and her ashes were buried beside him.

9. N.U. SCHOOL OF LAW BULLETIN, Aug., 1902, 21.

10. 1927 SURVEY, Part B, Sec. 45.

In 1943, it was estimated that during his lifetime he produced some 46 original books (counting casebooks, compilations and only the last editions of revised books and not counting supplementary volumes), 36 edited volumes and 16 other volumes on the law of Japan.¹¹ In addition, there were many hundreds of articles, papers and notes.

Not all of Wigmore's writing was of timeless quality, of course, but a great deal was. His greatest achievement, the brilliant *Treatise on Evidence*, was published in 1904 in four volumes. The second edition (5 volumes) was published in 1923, and the third edition (10 volumes) in 1940. It is staggering to contemplate how much greater his scholarly output would have been had he not also carried the responsibility of the deanship for 28 years of his career.

Had Wigmore published only a little, he would still be a towering figure in the history of legal education. As soon as he took office, he began, with the vigor for which he was famous, to lead a major drive for the expansion and improvement of the school. No doubt making good use of the competition from the University of Chicago, Wigmore obtained an almost immediate substantial increase in the budget of the school and in funds for the purchase of books.¹² At the same time, the Board of Trustees authorized an increase in the faculty to provide for seven resident professors with the resolve "to maintain a Law School of the highest character."¹³ Since enrollment in the school in 1901-02 was only about 170 and the tuition was still only \$100 per year, the University's action constituted a great increase in support.

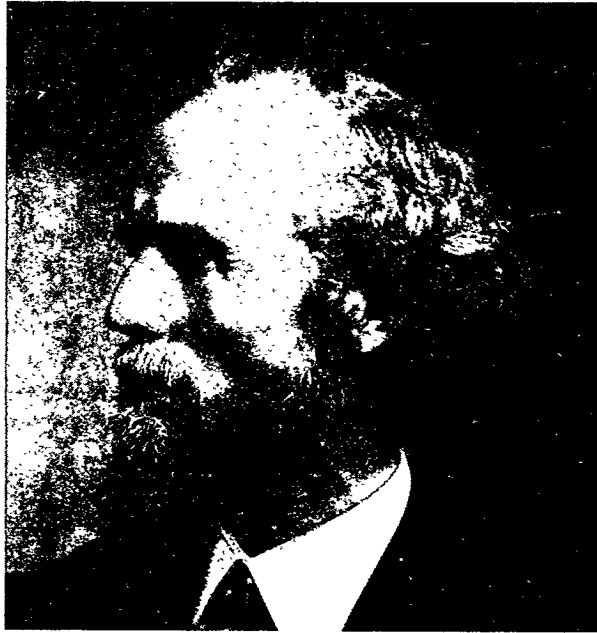
The Tremont House

In the fall of 1902, the school moved into its then spacious new quarters in the Tremont House. No pains were spared to make the dedication of these quarters memorable, and President Theodore Roosevelt agreed to appear and speak. Only three days before

11. This estimate appears in ASSOCIATION OF AMERICAN LAW SCHOOLS, 1943 HANDBOOK, 239 where other pertinent information on Wigmore also will be found. The manuscripts on Japanese law are mostly unpublished; a manuscript copy of them is kept in the Elbert H. Cary Library. Among the volumes edited by Wigmore were the MODERN CRIMINAL SCIENCE SERIES (8 vols.), CONTINENTAL LEGAL HISTORY SERIES (10 vols.) and MODERN LEGAL PHILOSOPHY SERIES (12 vols.). The statement in honor of Wigmore, at the Association of American Law Schools *supra*, indicated that his colleagues had no idea of the total extent of his writings. Even now, no definitive bibliography is complete.

12. N.U. SCHOOL OF LAW BULLETIN, May 1902, p. 39.

13. TRUSTEE MINUTES, Exec. Comm. April 4, 1902, 499.



Dean Henry Booth



Dean John H. Wigmore

he was to leave Washington, however, Roosevelt was forced to cancel his trip because of illness.¹⁴ The event was then postponed for two weeks and Oliver Wendell Holmes, Jr. was obtained as the chief speaker. Holmes at the time was still a member of the Massachusetts high court but had been appointed to the Supreme Court of the United States and was then awaiting Senate confirmation. His speech at the dedication of the Law Quarters on October 20, 1902, is one of his better-known addresses.¹⁵ It was devoted to a discussion of the role of law teachers and law schools and, as delivered, included a tribute to Northwestern and to Wigmore.¹⁶

The new quarters of the school occupied the entire third floor of the building and were the result of almost complete internal reconstruction. Designed to provide "a fitting home for legal scholarship, by reviving amidst daily work the historic past of the school and of the profession at large . . ." ¹⁷ the quarters were seven times as large as the previous space occupied by the school. They included a large lecture room (Booth Hall), a smaller classroom (Hurd Hall), a courtroom (Hoyne Hall), a Library and many other rooms and offices. The decor and furnishings bore many resemblances to the interior of Levy Mayer Hall today.¹⁸

The Pre-War Faculty

Wigmore held a strong faculty to be the most essential feature of a good school and he began at once to assemble such a faculty. In his prescription that a resident faculty member be a gentleman, a scholar, a teacher and a specialist,¹⁹ Wigmore made scholarship the "prime requisite."²⁰

In his first year as Dean, the teaching was done by Wigmore, Hurd, Harriman, Kales, Hyde, Mack, Little, E. B. Smith, Samuel Adams, Henry Schofield and Judge Nathaniel C. Sears. Schofield was appointed to the resident faculty in 1901 and served until his

14. N.U. SCHOOL OF LAW BULLETIN, Aug. 1903, 11.

15. HOLMES, COLLECTED LEGAL PAPERS 272 (1920).

16. N.U. SCHOOL OF LAW BULLETIN, Nov. 1902, 8. In a letter to Lady Pollock a few days later, Holmes said that he made the trip "for the purpose primarily of pleasing Wigmore . . . I think him a very deserving and quite superior man. . . ." 1 HOLMES—POLLOCK LETTERS 108 (Ed. Mark DeW. Howe, 1942).

17. From pamphlet, DESCRIPTION OF THE NEW QUARTERS OF THE SCHOOL, 2-3.

18. N.U. SCHOOL OF LAW BULLETIN, May 1903, 33 (description).

19. 1927 SURVEY, Part B, 140.

20. *Id.* at 61.

death in 1918, achieving great prominence in Constitutional Law and Equity.²¹

The faculty of 1906-07 was a distinguished group: Wigmore, Hyde, Kales, Adams, John H. S. Lee, Little, Schofield, Louis M. Greeley, Levi H. Fuller and Frederic C. Woodward, supplemented by 13 lecturers.²² Woodward, who later became Dean at Stanford's Law School and Vice President of the University of Chicago, prepared the manuscript for his treatise on Quasi-Contracts while at Northwestern.²³

In 1907, Roscoe Pound came to Northwestern from the University of Nebraska where he had been Dean of the Law School.²⁴ Pound remained at Northwestern until 1909 when he left for Chicago and then for Harvard Law School where he served as Dean for many years. At Northwestern, he taught Contracts, Trusts, Code Pleading, Quasi-Contracts and Roman Law, and served as Acting Dean for a few months in 1908 when Wigmore was on leave of absence.²⁵

1907 was also the year of appointment of Albert Kocourek. One of the foremost Anglo-American scholars in the field of jurisprudence, Kocourek published his best known book, *Jural Relations*, in 1927. He was a part-time teacher at first, and then became a resident member of the faculty in 1915 and served in this capacity until his retirement to Emeritus status in 1940. Kocourek died in 1952.²⁶

In 1909, the faculty was augmented by the appointment of Edwin R. Keedy, who came from the faculty of Indiana, and George P. Costigan, who had succeeded Roscoe Pound as Dean at Nebraska. Costigan was the author of works on Contracts, Wills, Ethics, and Mining Law, and served until 1922 when he moved to the University of California. Keedy later taught at Pennsylvania and was well-known in the field of Criminal Law.

The last resident professor appointed before entry of the United States into World War I was Robert Wyness Millar ('97). A

21. N.U. SCHOOL OF LAW BULLETIN, May 1902, 13; 1927 SURVEY, Part B, 60.

22. N.U. SCHOOL OF LAW BULLETIN, May-July, 1906, 4.

23. 1927 SURVEY, Part B, 60.

24. In a letter to Henry S. Towle, June 11, 1907, Wigmore referred to the appointment of Pound as having "caused naturally some talk in different parts of the country," and stated the opinion that Pound "is today one of the most eminent and promising of the younger legal thinkers of this country. . . ." (copy of letter at law school).

25. RECORDS OF THE FACULTY, 1893-1910, April, May, June, 1908.

26. Memorial papers on Albert Kocourek are published in 47 ILL. L. REV. 419 (1952).

procedure scholar of rare talent and international renown, Millar became a member of the faculty in 1915, after 18 years in practice. He served until his retirement to Emeritus status in 1942. After a period of civilian service with the United States Navy in World War II, he returned to the school in 1946 to continue his research. During his retirement, he wrote and in 1952 published his superb book on *The Civil Procedure of the Trial Court in Historical Perspective*. Millar died in 1959.²⁷

In 1916, Herbert S. Harley joined the non-resident faculty and remained until 1931, giving courses in Legislation and other subjects during most of this period. Harley founded the American Judicature Society in 1912 to promote improvement in the administration of justice. Shortly after joining the faculty, he founded the *Journal of the American Judicature Society*, and for a number of years thereafter the editorial work of the *Journal* was conducted at the school largely by members of the faculty.²⁸

The Law Review

In February, 1906, the faculty voted to found the *Illinois Law Review* as a periodical legal publication.²⁹ At the time, there were only a very few such journals published by law schools. It was believed that the field for law reviews of a general character was already overcrowded, however, and it was therefore decided that the *Review* should concentrate upon treatment of Illinois law, a decision which accounts for the name selected. For 10 years, the *Review* was published without University financial support.³⁰ It was underwritten at first by Wigmore, Woodward and Kales of the faculty and by Nathan William MacChesney and Mitchell D. Follansbee of the alumni.

MacChesney, in whose memory his wife made a gift for the large conference room of the new Robert R. McCormick Hall, attended Northwestern University Law School for one year (1899-1900), and finished his work at Michigan, graduating in 1902. He was a distinguished Chicago lawyer, public servant, and long-time member of the University Board of Trustees, and contributed

27. Memorial papers on Robert Wyness Millar are published in 54 Nw. U. L. Rev. 143 (1959). He was buried in Arlington National Cemetery.

28. 1927 SURVEY, Part B, 73; Wigmore, *Editorial*, 17 ILL. L. REV. 211 (1923).

29. RECORDS OF THE FACULTY, 1893-1910, March 2, 1906, 215; See the historical note by N. W. MacChesney, *An Old Tradition—The Same Review—But A New Name*, 47 Nw. U. L. Rev. iii (1952). And see the *Review* history in 51 Nw. U. L. Rev. 2 (1956).

30. 1927 SURVEY, Part B, 72.

heavily to the school in many ways throughout his life. A general in the Illinois National Guard, he served as a Judge Advocate in both World Wars. His death came in 1954.

Now in its 55th year, and renamed the *Northwestern University Law Review*, the *Review* has passed through several stages. Until 1932, it was under the editorial control of the faculty. The first editor-in-chief was Woodward, followed by Pound, Costigan and Kocourek. During this period, a high percentage of the contributions were by the faculty, and the responsibility for sustaining the *Review* led to an outpouring of writing which made the faculty, according to Wigmore, "the most prolific" of any in the United States.³¹

In 1924, the *Review* absorbed the *Illinois Law Quarterly* which since 1917 had been published by the University of Illinois Law School. From 1924 to 1932 (Vol. 19-26), Northwestern shared publication and editing of the *Review* with the law schools of the University of Chicago and Illinois. During this period the editor-in-chief was Professor Kocourek (1924-26), followed by Professor Ernst W. Puttkammer of Chicago. Professor Woodward of Chicago and later Professor Kocourek served as Chairman of the Board of Editors. John T. Chadwell of the Chicago Bar served on behalf of Illinois as Chairman of the Board of Managers throughout this period. Each of the three schools appointed several students to serve on the editorial board.

In 1932, Northwestern resumed the sole publication and editing of the *Review*.³² At the same time, the present system of editorship by a board of students was instituted. The periodical also ceased entirely to emphasize Illinois law and became a general legal publication for articles of major scholarly worth and for comments and notes by students prepared under high standards of research and writing. The name was not changed until 1952, however, when reluctance to part with a beloved tradition was overcome by realization of the confusion increasingly being caused by the old name.³³

*The Journal of Criminal Law, Criminology
and Police Science*

In 1909, events led to the founding of another major legal periodical. The school celebrated its fiftieth anniversary in that year

31. 1927 SURVEY, Part B, 75.

32. FACULTY MINUTES, March 14, 1932, 2; October 10, 1932.

33. See N. W. MacChesney, *supra* note 29. One of the old traditions which has continued is the annual dinner in which the faculty and the student editors join in an evening of "gridiron" merriment following the annual softball game.

by holding a National Conference on Criminal Law and Criminology. The first of its kind ever held in the United States, the conference was attended by about 150 delegates from all parts of the country representing the professions and occupations concerned directly or indirectly with the administration of criminal law.³⁴ As a result of the conference, the American Institute of Criminal Law and Criminology was founded, and in May, 1910, the School of Law began the publication of a journal for the Institute.³⁵

The *Journal* was the first in the English language devoted to criminal law and criminology. The first editor-in-chief, for one year, was Professor James W. Garner, a University of Illinois political scientist. For the next forty-nine years to his retirement in 1960, the *Journal* was under the general editorship of Professor Robert H. Gault of the Northwestern Psychology Department. The managing director for many years has been Professor Inbau of the law faculty.

In 1931, the publication was renamed the *Journal of Criminal Law and Criminology*. In 1932, it absorbed the *American Journal of Police Science* published by the Scientific Crime Detection Laboratory. And in 1951 it became named the *Journal of Criminal Law, Criminology and Police Science*, its present name. In addition to work of its professional editors, comments and notes on current questions are prepared by law students who have qualified for membership on the school's board of legal publications.

The Law Alumni Association

Wigmore had not been Dean for a month before he was hard at work to organize the alumni of the school. As he put it in a message to the University trustees, he sought to make "every one of our alumni in effect an agent for our school in his home and county and state."³⁶ An alumni association of Union College had been formed in 1888 and a list of all alumni then numbering 867, was printed.³⁷ As noted earlier, when Union College was formally absorbed by Northwestern in 1891, the alumni were all declared

34. For review of the fruitful activities concerning criminology in which Northwestern University has been involved, see Gault, *Criminology in Northwestern University, 1851-1951*, 42 J. CRIM. L., C.&P.S. 4 (1951).

35. 1927 SURVEY, Part B, 72.

36. TRUSTEE MINUTES, Exec. Comm., Oct. 21, 1901, 379.

37. CATALOGUE OF ALUMNI, OFFICERS AND INSTRUCTORS OF THE UNION COLLEGE OF LAW, 1859-1888; the catalogue was revised and printed again in 1889, and in 1890.

alumni of Northwestern.³⁸ The organization lapsed into inactivity, however.

During 1901-02, the Law Alumni Association was re-activated, with Frank O. Lowden ('87) as the first president. Vice presidents for various parts of the country were selected, including William Jennings Bryan ('83) in Nebraska, and Elbert H. Gary ('67), who had recently become head of the new United States Steel Corporation in New York. From then to the present, the Alumni Association has enlisted many distinguished graduates as officers and directors and has functioned to provide vital support for the school.³⁹

Since 1901, the Association has held an annual banquet and meeting in Chicago every year in the spring, with the exception of a few war years. Officers are elected at these meetings, the Dean gives a report on the year's activities and one or more guests speak to the group. The activities carried on by the Association during the years have been so numerous and varied that they cannot be described here.⁴⁰

Illinois Law Lectures and Legal Clinic

Under Wigmore, the school's educational approach became permanently fixed as national in scope, designed to provide a thorough education for law practice anywhere in the nation. By 1910, its graduates were dispersed throughout the nation and in foreign countries. Many graduates, however, continued to remain in Chicago or elsewhere in Illinois. Accordingly, the school instituted in 1910 the Illinois Law Lectures, a series of lectures throughout the year on various topics of Illinois law and practice given by practicing lawyers.⁴¹ These lectures continued after World War II.

Another innovation in 1910 was the arrangement for students to work with the Chicago Legal Aid Society, which was then located in the Northwestern Building. Thus was born the Legal Clinic at Northwestern. The Clinic gradually evolved until since 1919, clinic work has been required of all students.⁴²

38. Contract between Union College of Law and Northwestern University, Par. Seventh, contained in pamphlet, COPIES OF CONTRACTS NOW EXISTING BETWEEN NORTHWESTERN UNIVERSITY AND THE SEVERAL DEPARTMENTS OF THE UNIVERSITY, 18 (1892).

39. A list of those who have served as President of the Law Alumni Association is included in Appendix D, *infra*.

40. A DIRECTORY OF ALUMNI OF NORTHWESTERN UNIVERSITY SCHOOL OF LAW was published in 1938 (pamphlet, 112pp.).

41. See N.U. BULLETIN, *An Account of the Lecture-Courses on Illinois Law*, Oct. 23, 1914. A list of the lecturers will be found in Appendix C, *infra*.

42. N.U. SCHOOL OF LAW, GENERAL CATALOGUE, May 1910, 21; N.U. BULLETIN, *The Legal Clinic—What It Does for the Law Student*, Dec. 4, 1920.

In 1926, the James Nelson and Anna Louise Raymond Foundation was established by Mrs. Raymond through an initial gift of \$200,000.⁴³ The income from this fund was used to establish and support a legal clinic for the poor, which was worked out jointly by the school, the United Charities, and the Chicago Bar Association.⁴⁴ Students from the school receive direct practical experience with clients in this clinic, under the supervision of a member of the faculty appointed for that purpose. All kinds of civil cases are handled today in the Legal Aid Bureau. This was the first clinic of its kind set up for a law school, and was partly in recognition of Northwestern's early beginning in this field.

The Order of the Coif

The national honorary society for recognition of legal scholarship, the Order of the Coif, had its origin at Northwestern. The Order was founded on June 19, 1907 at a meeting of leading Northwestern students with Professor Woodward serving as chairman.⁴⁵ In 1912, the Order merged with Theta Kappa Nu, an honorary fraternity, founded in 1902, with chapters in several law schools. The new organization was given the name previously held by Northwestern, and since 1912 has expanded to over 45 chapters in most of the leading law schools. General Nathan W. MacChesney was the first President of the national society. Since its founding, it has functioned at Northwestern continuously, with annual selection of outstanding senior students from among those ranking in the top ten percent of the class.⁴⁶

As the nation moved toward World War I, the school flourished. The enrollment rose steadily from a low of about 170 students in 1901-02 to a capacity average of about 320 regular students in the period 1913-17.⁴⁷ Admissions became increasingly selective, with the quality of the student body rising accordingly.

IV

New Standards and a Magnificent Home 1917-1929

Since the beginning of Wigmore's deanship, care had been taken

43. TRUSTEE MINUTES, Exec. Comm., May 26, 1926.

44. N.U. BULLETIN, *The James Nelson and Anna Louise Raymond Foundation for Legal Aid to the Poor* (Bull. No. 6), Nov. 17, 1930, 3.

45. RECORD, THE ORDER OF THE COIF. (Original record book at the school).

46. THE ORDER OF THE COIF, *Chapter Roll*, List of Officers, Directory (Sept. 1956), iii, vii, ix.

47. A table of enrollment statistics is included in Appendix A, *infra*; see also 1927 SURVEY, Part D, 227.

to appoint to the resident faculty only proven scholars who used the case method of study and were primarily devoted to "Socratic" teaching.¹ This policy was rewarded over the years by the attainment of an international reputation, and the student body became increasingly composed of members from all over the nation and from various foreign countries.

With the basic character of the school thus established, the Dean set out to accomplish two more major goals: (1) a substantial increase in the time devoted to the education of a lawyer; and (2) new quarters for the law school which would be the equal of any in the nation. Both goals were realized, but only after war had intervened.

As a center of learning in the art of peaceful settlement of disputes, a law school has a difficult time during a war. In the year 1917-18 there were some 179 Northwestern law students in the military. Nine students and alumni died in service. A newsletter for those in service went through 17 issues.²

Nine members of the faculty, full-time and part-time, entered service, and others filled various civilian posts.³ Wigmore and Millar served on the staff of the Army Judge Advocate General, and both were discharged in 1919 with the rank of Colonel, a title by which each was affectionately known thereafter.

Wigmore's return from service coincided with the end of his twenty-fifth year on the Northwestern faculty. The event was marked by the publication of a book entitled "Wigmore Celebration Legal Essays" (1919), arranged by a faculty committee and edited by Kocourek. The book contains 31 articles on different legal subjects, written for this event by William Holdsworth, Frederick Pollock, Roscoe Pound, Samuel Williston and other legal scholars.⁴

The Post-War Faculty

Peacetime operations resumed in 1919. To accommodate the returning veterans, a summer session was instituted for the first time that year, and the school has continued to have a summer school since then.⁵ The faculty of 1919-20 was composed of Wig-

1. 1927 SURVEY, Part B.

2. N.U. BULLETIN, Aug. 26, 1922 (reprinting Report of Dean of Law School for 1917-18).

3. *Ibid.*

4. Published by Northwestern University Press.

5. Wigmore in 1927 stated that the spread of the summer term in American universities "has been an unhealthy and lamentable feature of scholastic life, as it affects the Faculties," but acknowledged its value to the students, 1927 SURVEY, Part B, 127.

more, Crossley, Hyde, Little, Greeley, Costigan, Kocourek, Millar, Harley and Francis Philbrick, supplemented by 11 non-resident professors and lecturers. Philbrick, a resident member, taught Property and Equity from 1919 until 1922, when he moved to the Illinois faculty; later he went to the Pennsylvania faculty.

In 1922, Andrew A. Bruce joined the faculty and served until his death in 1934.⁶ A noted scholar, jurist and law reformer before coming to Northwestern, he had been on the law faculties of Wisconsin, Minnesota and North Dakota (as Dean at the latter), and had served as Chief Justice of the North Dakota Supreme Court. In 1924, Edward F. Albertsworth came from the faculty of Western Reserve. Previously he had served as Dean of the Wyoming Law School. At Northwestern, Albertsworth taught in the fields of Workmen's Compensation, Labor Law, Trade Regulation and Constitutional Law until 1943, when he retired from teaching.

Among the many non-resident professors and lecturers who taught during this period were several who gave many years of service to the school, including Otto R. Barnett (1902-1921), Henry Clay Hall (1902-1926); Charles Byrd Elder (1901-1938); Mitchell D. Follansbee (1901-1926); Charles Y. Freeman (1905-1922); Alfred W. Bays (1906-1921); Richard Y. Hoffman (1915-1926); Elmer M. Leesman (1912-1951); Fred Thulin (1919-1930); Charles H. Watson (1918-1927); Louis G. Caldwell (1920-1928); and Stephen Love (1915-1956).

The Four-Year Law Curriculum

Until 1919, it had been possible to enter Northwestern Law School with a high school diploma. In 1914, this admission standard was qualified by a requirement that if the candidate were under 20 years of age, he must present at least one year's college credit, and in 1915, this age was changed to 21.⁷ These theoretical standards were lower than the actual practice, for by 1916 a majority of those admitted had had college training, in many instances of three or four years.⁸

Nevertheless, the faculty felt keenly the desirability of raising the requirements both for admission and for graduation. Over a period of time, studies and discussions of the matter culminated in a decision in October of 1916 that the school should adopt a four-

6. See memorial resolution of the faculty, LAW FACULTY MINUTES, Jan 14, 1935, 1.

7. 1927 SURVEY, Part D, 229; see also N.U. BULLETIN, *Alumni Comments on a Collegiate Requirement for Admission to Law School and Bar*, Jan. 31, 1913.

8. 1927 SURVEY, Part D, 245.

year program of law study and should also require a minimum of three years of college for admission. For this new seven-year program, the new degree of Juris Doctor would be awarded, the degree of Bachelor of Laws having been appropriate for less study.⁹ The faculty minutes show that President Thomas F. Holgate argued against the four-year curriculum on the ground that Northwestern, as the first to take such a step, could suffer great damage unless other leading law schools followed suit. He also expressed a view that for the time being a requirement of two college years ought to be enough.¹⁰ The law faculty's judgment was accepted, however, and the change was announced in 1916, to take effect in September of 1918.¹¹ The War delayed the program for a year, but in 1919 it went into effect.¹²

The four-year curriculum idea had strong support in the American Bar Association Section of Legal Education and in the Association of American Law Schools at the time. In December, 1918, the Law School Association's Executive Committee, headed by President Harlan F. Stone, recommended such a requirement as a standard, but in 1920, when the question was finally put to a vote of the Association, it failed of adoption.¹³ The program was already under way at Northwestern, however.

An important exception to the four-year law curriculum was made from the start, in that candidates for a law degree who came with a college bachelor's degree could still finish the law course in three years. Evidently it was believed that most applicants would come for the four-year law course after three college years, but the alternative was kept open in order to avoid driving away the student with a bachelor's degree.

Ironically, this lesser alternative eventually became the established practice. Over a period of years, a pattern emerged of a majority of students presenting a college degree and electing the three-year law course for a degree of Juris Doctor. A minority chose three college years and four law school years. A small number of degree candidates (no more than 10 in any one year) were admitted with less than three college years, were required to do work at the Honors level, and were awarded the LL.B. degree

9. NORTHWESTERN UNIVERSITY LAW SCHOOL, MINUTES OF THE FACULTY, Oct. 6, 1916, 1-7 (hereinafter cited as "LAW FACULTY MINUTES").

10. LAW FACULTY MINUTES, Oct. 9, 1916, 1-2.

11. Printed Announcement.

12. Printed Announcement.

13. N.U. BULLETIN, *The Four Year Curriculum in Law*, Dec. 6, 1919; 1927 SURVEY, Part C, 149.

after four years.¹⁴ From 1925 to 1935 inclusive, a total of about 675 J.D. degrees were awarded, and only about 55 LL.B. degrees.¹⁵

The new approach was a radical move, and Northwestern sought to induce other leading schools to follow suit.¹⁶ The defeat of the standard in the Association, however, had spelled ultimate failure, and Northwestern stood nearly alone. It paid a high price at first, as enrollment dropped from 327 in the last pre-War year to 259 in 1919 and on down to a low of 153 in 1923, further complicated by an increase in the tuition that year to \$225.¹⁷ Thereafter, enrollment began to rise again until the Depression. That economic crisis, however, made the four-year curriculum a much too expensive luxury, and in the beginning of 1935 under Dean Green, the school reluctantly reinstated the LL.B. degree as a standard degree obtainable by three years of college and three years of law school.¹⁸ The J.D. degree continued as a degree for a seven-year program, obtainable by either three years of college and four of law school or four years of law school and three of college. In 1948, provision for four years of law study prior to the first law degree was dropped entirely. The J.D. degree is now obtainable only by means of a college degree followed by three years of law study.

The four-year approach, coupled with the faculty's desire to enrich practical law study with adequate amounts of cultural work, proliferated the curriculum of the 1920's into a complex maze of offerings. In several of these years, the school bulletins listed from 60 to 75 different courses, although some were offered only in alternate years. Great freedom to elect courses was allowed, but the faculty saw to it that the student was exposed to a reasonable number of "liberal legal subjects which develop breadth of view and qualify him to render public service as a leader of professional and civic thought."¹⁹

Thus, the curriculum for 1925-26 provided that between 10 and 15% of the credits were to be earned from selection amongst a

14. See, e.g., N.U. SCHOOL OF LAW BULLETIN, 1923-24, 8. For many years, the requirements for admission to the Illinois bar were less than the requirements for admission to the school. During the 1920's and early 1930's, students in number not to exceed 10% of the entering class were permitted to enroll for a non-degree course in order to qualify for the Illinois Bar. *Ibid.* See table of enrollment figures in Appendix A, *infra*.

15. A table of law degrees awarded over the years is included in Appendix B *infra*.

16. Printed announcements were mailed to all law faculties.

17. 1927 SURVEY, Part D, 230.

18. LAW FACULTY MINUTES, Oct. 8, 1934.

19. N.U. SCHOOL OF LAW BULLETIN, 1925-26, 15.

list of liberal subjects, which included International Law, Jurisprudence, Roman Law, Comparative Law, Legal History and other courses. All students were required to take a course in "History of the Bench and Bar and General Legal Literature" and courses in speech and ethics.²⁰

The 1920's also saw the appearance in the curriculum of a number of new public law courses, in addition to the old common law and private statutory staples. The 1925-26 curriculum, for example, listed Administrative Law (one hour), Federal Taxation (two hours), Interstate Commerce (two hours), Labor Law (two hours) and Trade Regulation (two hours).²¹

Disagreement over the complicated state of the curriculum gave rise to an interesting controversy. A faculty curriculum committee in 1922, headed by Professor Philbrick, recommended certain revisions.²² Among their recommendations was one affecting the Sales courses taught by Professor Kocourek, who offered a regular three-hour case method course and a one-hour course in alternate years, the latter course being taught by an experimental method. When the committee recommended that a standard three-hour Sales course be given every year, with consequent abandonment of the one-hour one, the ensuing faculty debate wandered into the realm of the merits of Kocourek's teaching method.

To Wigmore, the issue then promptly transcended the technical curricular problem and became one of academic freedom. In a heated session, he read to the faculty a memorandum asserting that while the faculty as a whole had the right to determine the curriculum as such, the number of hours for each course and who should give the course, it had no right to infringe upon the "absolute" freedom of the teacher to teach the course as he sees fit.²³ Academic freedom, he said, was the "obstinate cult of individualism" which had saved Oxford and Cambridge and must be protected not only against the public, the alumni, the trustees, the University officials and the students, but against the faculty itself. "Tyranny," he thundered, "is conceivably as possible under a democracy as under an autocracy." A subsequent memorandum by Professor Philbrick strongly challenged the assertion that any invasion of academic freedom had been intended.²⁴ This, and the

20. *Id.* at 12-13.

21. *Id.* at 15-26.

22. LAW FACULTY MINUTES, Feb. 7, 1922.

23. LAW FACULTY MINUTES, Feb. 13, 1922 (Wigmore's statement was incorporated in the minutes); for other expressions of his views on academic freedom, see 1927 SURVEY, Part A, 38.

24. LAW FACULTY MINUTES, April 10, 1922 (incorporating Philbrick's comments).

faculty's rejection of the proposed change, however, were both far overshadowed by the force of Wigmore's reaction. He was not an easy man to deter when pursuing a conviction, and he had many convictions.

Levy Mayer Hall and Elbert H. Gary Library Building

Curricular matters were by no means the sole preoccupation of the first post-war decade. For years it had been clear that the Northwestern University Building in the Loop was inadequate to house its growing occupants. Moreover, the Medical School, which had always been in a separate building, needed new quarters.

Two schools of thought developed.²⁵ James A. Patten, President of the Board of Trustees, represented a strongly-held view that all of the professional schools should be moved to the Evanston campus of the University. Nathan W. MacChesney, a leading trustee, led a drive to build a new campus on the Near North Side of Chicago, at the present site. Wigmore joined in the latter campaign, believing strongly that the School of Law profited greatly from its close proximity to the courts and to the offices of the practicing profession. William A. Dyche, University Business Manager, also favored the Chicago campus plan, and eventually it prevailed.²⁶

An option on the present land was obtained and was kept alive for several years during the war and while the issue was still debated. The law faculty as a whole entered the dispute with a resolution on June 5, 1919 calling for relocation of all the professional schools together on the Near North Side.²⁷

In 1920, the tract at Chicago Avenue and Lake Shore Drive was acquired, and subsequent acquisitions in the area have significantly enlarged the campus. What was once a muddy section of "Streeter-ville," is now a large campus containing the buildings of the Law School, the Medical and Dental Schools, the Graduate Division of the Business School and the University Evening Division, Thorne Hall, the large auditorium building, and Abbott Hall, the tall campus dormitory building, as well as three hospitals associated with the Medical School (Passavant, Wesley and Veterans Research).

Even before the land was acquired, a committee of alumni of the law school had begun a major drive for building and endow-

25. See AREY, *NORTHWESTERN UNIVERSITY MEDICAL SCHOOL, 1859-1959*, 229 (1959).

26. See N. W. Mac Chesney, *The Genesis and History of Northwestern University Downtown Campus*, N.U. ALUMNI NEWS, May, 1923, 3-9.

27. LAW FACULTY MINUTES, June 5, 1919.



Entrance to Levy Mayer Hall



Levy Mayer Hall with Elbert H. Gary Library (at left).

ment funds.²⁸ At the school's sixtieth anniversary dinner held by the alumni in 1920, William Jennings Bryan ('83), spoke to help spur the drive.²⁹ A sustained campaign for funds among the alumni resulted in very substantial pledges totaling about \$200,000,³⁰ but this was far short of the large amount needed for buildings. Then in the fall of 1923, Mrs. Rachel Mayer, widow of the eminent Chicago lawyer, Levy Mayer, decided to give the sum of \$500,000 for the construction of the new law school building. In a letter on October 8, 1923 to Wigmore,³¹ she stated:

Dear Mr. Wigmore

It is my earnest desire to erect, in the city of Chicago a suitable memorial to my beloved husband; and I can think of no more appropriate and enduring form than a building, in which shall be educated the future generations of lawyers, who will learn thus to revere his memory in the great city where his career was made. I have, therefore, set aside the sum of \$500,000 to erect a "Law School" for Northwestern University, on the McKinlock Memorial Campus. That is all I have to say, except to add that, the sooner the building is erected, the better I shall be satisfied. I intend to go abroad again some time next year and I do not wish, if possible, to leave this country until I have seen the "Levy Mayer Hall" with my own eyes.

Yours Sincerely,
Rachel Mayer

At a celebration alumni banquet, where this letter was read, the announcement was also made that Elbert H. Gary ('67), himself a long-time officer of the Alumni Association, had given \$100,000 for endowment of the library.³² And in 1925, Gary agreed to give the further sum of \$150,000 to build the new Elbert H. Gary Library building.³³

By the spring of 1925, floor plans for the various buildings of the campus were completed, and ground-breaking ceremonies were held on May 8, 1925.³⁴ Actual construction of the law buildings

28. N.U. LAW SCHOOL, \$1,500,000 ENDOWMENT AND BUILDING FUND, 1919-1920, BOOK OF INFORMATION.

29. Reprinted in N.U. BULLETIN, *Speeches at the Law School Alumni Banquet, Sixtieth Anniversary, June 8, 1920.*

30. N.U. BULLETIN, LAW SCHOOL, Aug. 26, 1922, reprinting Report of Dean of Law School, 1919-20, 11.

31. Original at School of Law. Mrs. Mayer later gave large additional sums for the endowment of the building.

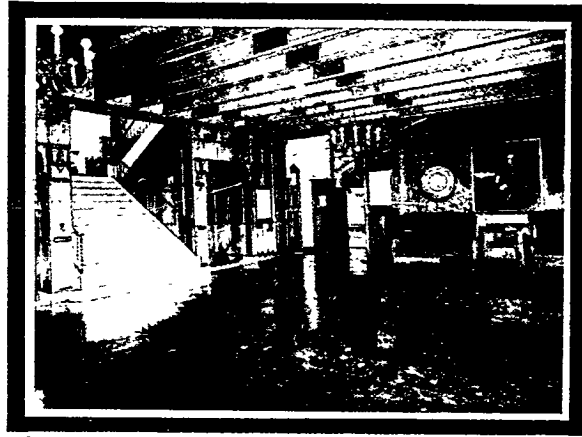
32. N.U. BULLETIN, *Speeches at the Law School Alumni Banquet*, Oct. 10, 1923.

33. TRUSTEE MINUTES, April 28, 1925, 22.

34. See AREY, *op. cit. supra* note 25.

**Interiors of
LEVY MAYER
HALL**

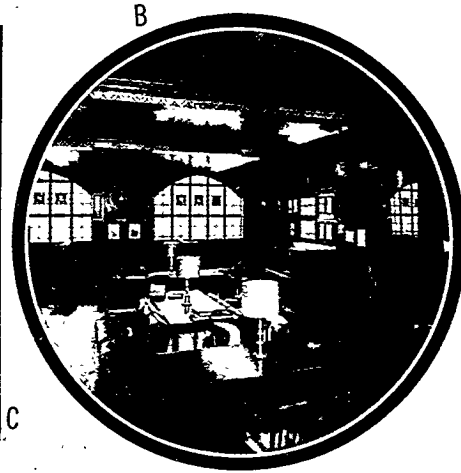
- A *Lobby*
- B *Lowden Hall*
- C *Booth Hall*
- D *Lincoln Hall*
- E *Hoyne Hall*



A



C



B



D



E

was completed in 1926, and on December 1, 1926 the long-awaited move from the Tremont House took place.³⁵

The two magnificent stone buildings for the law school were built so as to connect with each other. Levy Mayer Hall was built to front on Chicago Avenue, with a wing on the West containing Lincoln Hall, the impressive large auditorium. The building's basement and four floors contain three other classrooms (Booth, Hoyne and Hurd Halls), a lounge (Lowden Hall) and administrative offices, professors' offices, seminar rooms, students' study rooms and student quarters. The Elbert H. Gary Library building is constructed at right angles to Levy Mayer Hall, beginning at the East end of the latter on Chicago Avenue and running south. The two buildings connect at the entrance to the library on the second floor of Levy Mayer Hall.³⁶

These buildings thus formed part of a quadrangle, the remainder of which, until the recent construction of Robert R. McCormick Hall, was enclosed by a beautiful cloister wall. In the center of the quadrangle was a formal garden, now in the process of restoration, permanently endowed by gift of Mrs. Hortense Mayer Hirsch, daughter of Mr. and Mrs. Levy Mayer. The student capacity of this new plant was established at a maximum of 400.³⁷

Endowments for Educational Purposes

New buildings always have a special appeal. But a good law school requires a distinguished faculty, an outstanding library and a strong program of education and research. The story of Northwestern's law library is told later in this article. Over the years, the maintenance of the faculty and the educational program have necessarily depended substantially upon the funds made available by the University from tuition, gifts and University endowment income; the law school has not been self-supporting from tuition fees since its very early days.

The financial campaign of the 1920's therefore sought not only building funds but also endowment funds for faculty and education.³⁸ Had all of the goals been achieved, the school today could

35. LAW FACULTY MINUTES, Dec. 22, 1926.

36. A booklet describing the buildings in detail was published; it includes a careful explanation of the decoration and symbolism so evident throughout Levy Mayer Hall. It was at this time also that the special seal of the law school was adopted, depicting St. Ives, patron saint of the legal profession, giving equal justice to a rich man and a poor man; LAW FACULTY MINUTES, Mar. 8, 1926. Mrs. John Henry Wigmore was responsible for much of the careful attention given to decoration and interior arrangement, LAW FACULTY MINUTES, Sept. 20, 1926.

37. See N.U. SCHOOL OF LAW BULLETIN, 1932-33, 10.

38. See note 28, *supra*.

be supported to a great extent from its own special endowment. But the sights of the 1920's were too high. The drive for several endowed professorial chairs, including one to be called the "John Henry Wigmore Chair of Evidence," fell far short, and funds raised for this purpose had to be merged into general endowment. A companion drive for a series of large funds to support research and educational activities also fell short, but resulted in several endowment funds of substantial benefit to the school. One, the large grant for legal clinic work in 1926 by Mrs. Anna Louise Raymond (The James Nelson and Anna Louise Raymond Foundation) has already been described. Mrs. Raymond also provided large sums for endowment of graduate fellowships, and for loans to law students.³⁹

A second endowment of great importance is the Julius Rosenthal Foundation, established at the very beginning of the campaign in 1919. This endowment has been built by a number of donors,⁴⁰ and has been further augmented by provisions of the will of the late Lessing Rosenthal ('91), a son of Julius Rosenthal. The income, under direction of the faculty, is devoted to the cultivation of legal literature. It has been used primarily to sponsor a distinguished series of lectures and to assist the publication of the *Law Review*. The first lectures were given in 1927 by Sir William S. Holdsworth, followed by Antonio S. de Bustamente, John C. H. Wu, Jean Escarra, Charles Warren, Walton H. Hamilton, Justice Henry T. Lummus and Lon L. Fuller.

During 1946-47 and 1947-48 a series of monthly Rosenthal lectures on the United Nations by different speakers was conducted under the direction of Adlai E. Stevenson, an alumnus ('26), before he became Governor of Illinois in 1948. The distinguished list of lecturers since World War II, in addition to Stevenson, includes John N. Hazard, Paul A. Freund, John P. Dawson, Abraham H. Feller, Charles Horsky, Eugene Pepin, Chief Justice Arthur T. Vanderbilt, Justice Robert H. Jackson, Justice Walter V. Schaefer, Herbert Wechsler, Adolf A. Berle, Jr., James W. Hurst, Louis B. Sohn, Ernest A. Gross, Judge John J. Parker, Nobushige Ukai, A. E. Papale, Herbert L. A. Hart, Leon Green and Louis Eisenstein. Most of the lectures have been published and a substantial number have resulted in well-known books which

39. See descriptions in current bulletins.

40. The Julius Rosenthal Foundation was established in 1919 in memory of Julius Rosenthal by his son, the late Lessing Rosenthal, his daughter, Mrs. George Pick, and Charles H. Hamill, Max Hart, Harry Hart, Mark Cresap, Frank M. Peters, Leo F. Wormser, F. Howard Eldridge, Willard L. King, Magnus Myres, Mrs. Joseph Shaffner, and Mrs. Otto L. Schmidt, all of Chicago, and the Honorable Julian W. Mack, of New York.

are permanent contributions to legal literature. A list of publications of the Rosenthal lectures is given in the note.⁴¹

Another important fund is the Charles C. Linthicum Foundation, established in 1926 in memory of Professor Linthicum, a leading patent attorney who taught at the law school from 1901 to 1916. The fund was established by Mrs. Linthicum, Harvey S. Firestone who was Linthicum's long-time client, and his associates in the Chicago Bar, Otto R. Barnett and Melvin M. Hawley. The income from this fund is used under direction of the faculty for research, study and instruction in the fields of patents, copyrights and trademarks, and in other areas of law relating to the development of trade and commerce.⁴²

Since the inception of the Linthicum fund, part of the income has been used to support the teaching of patent law in the curriculum. Other income at first was devoted to the giving of prizes for writing on the above subjects. More recently it has been used primarily for lectures and conferences at the school. These have covered a wide range of subjects, including two conferences on the federal Antitrust Laws, two on Labor Law, one on the St. Lawrence Seaway, one on housing, one on the fight against slums, two on the problems of preserving freedom in the modern economy, and other topics.

Close of an Era

Wigmore retired as Dean in 1929. Retirement came abruptly, as the Board of Trustees, on July 8, 1929, adopted a mandatory

41. Rosenthal lectures which have been published as books include: HOLDSWORTH, *SOME LESSONS FROM OUR LEGAL HISTORY* (1928); WARREN, *BANKRUPTCY IN UNITED STATES HISTORY* (1935); LUMMUS, *THE TRIAL JUDGE* (1937); FULLER, *THE LAW IN QUEST OF ITSELF* (1940); FREUND, *ON UNDERSTANDING THE SUPREME COURT* (1949); DAWSON, *UNJUST ENRICHMENT* (1951); FELLER, *UNITED NATIONS AND THE WORLD COMMUNITY* (1952); HORSKY, *THE WASHINGTON LAWYER* (1952); BERLE, *THE TWENTIETH CENTURY CAPITALIST REVOLUTION* (1954); and GREEN, *TRAFFIC VICTIMS: TORT LAW AND INSURANCE* (1958).

Rosenthal lectures which have appeared as articles include, Wu, *The Art of Law, in THE LEGAL SYSTEMS OF OLD AND NEW CHINA, A COMPARISON* (1936); Hazard, *The Soviet Union and International Law*, 43 *ILL. L. REV.* 591 (1948); Sohn, *United Nations Charter Revision and the Rule of Law: A Program for Peace* 50 *NW. U.L. REV.* 709 (1956); Gross, *Major Problems in Disarmament*, 51 *NW.U.L. REV.* 299 (1956); Parker, *Dual Sovereignty and the Federal Courts*, 51 *NW.U.L. REV.* 407 (1956); Ukai, *The Individual and the Rule of Law under the New Japanese Constitution*, 51 *NW.U.L. REV.* 733 (1956); Papale, *Judicial Enforcement of Desegregation: Its Problems and Limitations*, 52 *NW.U.L. REV.* 301 (1956); Hart, *Murder and the Principles of Punishment: England and the United States*, 52 *NW.U.L. REV.* 443 (1957).

Lectures by Eisenstein on *THE IDEOLOGIES OF TAXATION*, given in 1959 will be published in the near future. In 1941, the Rosenthal Foundation sponsored publication of the book, *MY PHILOSOPHY OF LAW*, containing the credos of sixteen American scholars.

42. The Linthicum Foundation, and the research, writing, teaching and conferences which have been sponsored under it, are described in detail in *N.U. SCHOOL OF LAW BULLETIN*, 1959-60, 32-34.

retirement age of 65 for all deans and other administrative officers.⁴³ Already past this point, Wigmore gave up the deanship and became Dean Emeritus almost immediately.⁴⁴ His acquaintances recall that he did not accept the new regulation with entire equanimity. But with characteristic judiciousness, he made his departure from the deanship with finality, and he made substantial effort to encourage the freedom of his successor, Dean Green.

Wigmore continued as an active teaching member of the faculty until 1934, when he retired as a professor. He remained until his death in 1943, writing, working on the third edition of his great treatise and giving an occasional course or seminar.

V

Vision, Depression and Realism 1929-1946

The deanship passed in 1929 to Leon Green. One of the most virile younger legal scholars of the day, he was recommended by Wigmore and was the unanimous choice of the faculty and a special trustee committee.¹ An exchange of letters between him and Wigmore was published, recording the respect in which each held the other and their common devotion to legal education.² The two were much alike in their profound absorption in the law and lifelong anxiety that its processes be understood and improved. Both possessed too a penchant for fearless pronouncement of conviction, a quality whose popularity in its exercise with other men was determined by the choice of convictions each made. They held sometimes the same, sometimes different views on the nature of law, its role in society and the best method of its educational pursuit.

Green

Leon Green was born in 1888 in Louisiana and received his B.A. degree from Ouachita College, Arkansas in 1908. After three years in business for himself in Western Texas, he attended the University of Texas Law School, graduating in 1915. Meanwhile, he had begun to practice in Austin in 1912 while attending law school, and he continued to practice either full-time or part-time until 1926. During three years of this time, he served as an instructor in the law school, and for the last six years was a resident

43. TRUSTEE MINUTES, Exec. Comm., July 8, 1929, 6.

44. *Id.*, Aug. 27, 1929, 13 and Sept. 24, 1929, 7.

1. TRUSTEE MINUTES, Aug. 27, 1929.

2. Wigmore to Green, Aug. 27, 1929 and Green to Wigmore, Aug. 28, 1929, published in N.U. SCHOOL OF LAW, CHRONICLES OF THE SCHOOL, Aug. 29, 1929, 5-7.

professor. In 1924, he was on the visiting summer faculty at Northwestern.

In 1926, he was appointed Dean of the Law School of the University of North Carolina, but at the same time was on leave from there as a visiting professor at Yale. In 1927, he was appointed to the Yale faculty where he remained until he came to Northwestern in the fall of 1929. He served as Dean for 18 years until 1947, when he resigned to accept appointment as a Distinguished Professor at Texas where he has since been teaching, with the exception of 1958-59, when he was a visiting professor at Hastings College of Law.

When Leon Green began to teach law, a philosophical conflict of major proportions was loose in the legal world. Against the older formal jurisprudence of abstract and natural legal principles had arisen a newer attitude of so-called "realism." To the "constructive skeptics," abstract principles of law tend to lack reality.³ Law's meaning is in the context of the human activities which give it birth and the people and institutions who make it and apply it.

Now seen by contemporaries as the most original thinker of our time in the field of Torts,⁴ Green was one of the leading realists.⁵ His first major book, *Rationale of Proximate Cause* (1927), undid the mystical formula which had stood as an obstacle to appreciation of the practical relation between Tort law and the courts who make it. His second book, *Judge and Jury* (1930), though executed in Tort, was a full philosophy of the common law.

In 1931 came his first casebook, whose title significantly was *The Judicial Process in Torts Cases*. This book was a true innovation; it arranged Torts cases in groups of types of activity, e.g., transportation, doctors and hospitals, manufacturers and dealers, etc., rather than under headings of abstract principles. Under this approach, the student was invited to see Tort doctrines in their natural setting. This was dubbed a "functional" approach, and many others of the Torts profession were critical and slow to comprehend.⁶ It was years before the significance of this contribution was appreciated.

The Torts casebook was revised in 1939, and in 1957 he revised

3. The phrase is Jerome Frank's in *LAW AND THE MODERN MIND* (1930), *Preface to Sixth Printing* vii (1948).

4. E.g., Gregory, *Leon Green's Contributions to a Better Understanding of the Law of Torts*, 43 *ILL. L. REV.* 15 (1948).

5. See FRANK, *op. cit. supra* note 3; Arnold, *Leon Green: An Appreciation*, 43 *ILL. L. REV.* 1 (1948).

6. Gregory, *supra* note 4, at 18-22.

it again with three collaborators.⁷ Meanwhile, in 1940 came another casebook, *Injuries to Relations*, exploring the protection given to the relational interests valued highly by men, including trade, family, community and employment relations. This book also has been revised.⁸ In addition to a large amount of other writing, he has recently published the book, *Traffic Victims: Tort Law and Insurance* (1958), based on the Rosenthal lectures given by him that year.

Green's legal philosophy drew him in 1937 into two famous and emotionally-charged controversies. Before the Senate Judiciary Committee he testified on behalf of the so-called "court packing bill," President Franklin D. Roosevelt's proposal to increase the number of Supreme Court Justices. Punctuated by bitter attacks from Senator Tom Connally of Texas, the testimony was an application of his philosophy that courts are men, that law, including Constitutional interpretation, is a reflection of men's views, and that the courts cannot be permitted to remain insensitive to national needs.⁹

Also in 1937 came a magazine article entitled, "The Case for the Sit-Down Strike."¹⁰ The article did not argue that sit-down strikes were a good thing. It did offer an analysis, stemming from his "relational interest" concept, that in addition to the problem of trespass upon the property rights of employers, the situation also involved the vital relational interest between employer and employee, an interest of as great importance to both as that of property and one which must be recognized if the problem were to be solved. Green's articulation of his philosophy in the midst of the battles of that day inevitably produced much criticism and controversy, but the University administration adhered firmly to the principles of academic freedom.

The 1929 Development Plans

One of the many plans of men frustrated by the Depression was a great new development program for the law school. In an address before a meeting of the Chicago Bar Association on October 31, 1929, Dean Green read a paper entitled, "Scientific

7. Wex S. Malone of Louisiana State, and Willard H. Pedrick and James A. Rahl of Northwestern.

8. In 1959, by the same collaborators, *supra* note 7.

9. *Hearings on S. 1392, "Reorganization of the Federal Judiciary," Before the Senate Committee on the Judiciary, 75th Cong. 1st Sess. 225 (1937).*

10. *NEW REPUBLIC*, Mar. 24, 1937, p. 199; see Arnold, *supra* note 5, at 4. A point often overlooked about this article is that it advocated compulsory arbitration of labor disputes. *Id.* at p. 201.

Methods in Law,"¹¹ which was reprinted and published with enthusiastic endorsements by Wigmore and Governor Lowden.¹² The paper called for a much broader law school program designed to acquaint the student with the environment of major fields of legal problems and to draw upon the other fields of learning associated with law.

To build this program at Northwestern, a development plan was evolved which was approved by the Board of Trustees and which called for a drive for a total endowment of \$6,450,000.¹³ The plan called for 24 endowed professorships, a limit of 400 students to be taught in relatively small sections and classes, increased scholarships, an extension of the Elbert H. Gary Library building, a \$1,000,000 book endowment, and construction of a law students' dormitory.¹⁴

The Depression almost completely stalled the financial side of these plans. Nevertheless, they had a major effect upon subsequent development of the faculty and upon the curriculum.

The Faculty Prior to World War II

The faculty was badly undermanned in 1929 when Wigmore retired as Dean. Evidently, the new buildings and the associated drives for funds had consumed resources to such an extent that the school had had to delay building up the size of its resident faculty, which in 1928-29 had fallen to only six resident members, including the Dean and the Librarian. In the spring of 1929, Frederick D. Fagg, Jr. was appointed to the resident faculty to teach and also to organize the Air Law Institute.¹⁵ Fagg had been an economics instructor at Northwestern and had pursued a law course, graduating in 1927. He remained on the law faculty from 1929 to 1938. Thereafter he served as Dean of the School of Commerce, Vice President and Dean of Faculties of Northwestern, and then became President of the University of Southern California.

Green obtained authorization in 1930 for three additional professorships.¹⁶ The first appointment was Newman F. Baker, who

11. Published in N.U. SCHOOL OF LAW, BULLETIN No. I, SCIENTIFIC METHODS IN LAW (1929).

12. Wigmore, Dec. 10, 1929, *id.* at 3; Lowden, Dec. 14, 1929 in N.U. SCHOOL OF LAW, BULLETIN No. II, SCIENTIFIC METHODS IN LAW (1929).

13. TRUSTEE MINUTES, Nov. 26, 1929, 21.

14. The plan details are contained in BULLETIN No. II, *op. cit. supra* note 12. It was proposed that the dormitory and the library extension be built to the east of the existing buildings. The major portion of the money to be sought was to be for endowment of professorships and research.

15. See CHRONICLES, *op. cit. supra* note 2, at 1.

16. TRUSTEE MINUTES, Exec. Comm., March 25, 1930.

came from the Tulane faculty and taught in the Criminal Law field until his untimely death in an automobile accident in 1941. Baker achieved a high reputation in the Criminal Law field, and was a member of the United States Supreme Court Advisory Committee on rules of Criminal Procedure.¹⁷ Shortly after Baker's appointment, Harold C. Havighurst was appointed for the Contracts field.¹⁸ Havighurst was then on the faculty at West Virginia, and since 1930 has been on the Northwestern faculty, succeeding Green in the deanship in 1947. The third appointment was Frederick H. Chetlain, who served as Secretary for one year. Also in 1930, Minier Sargent was appointed as Director of Student Publications. From 1934 to 1936, he served in a regular teaching capacity and then left for practice.

In 1931, Green brought Charles T. McCormick to the faculty from North Carolina where he had served as Dean from 1927 to 1931. McCormick, the eminent scholar, teacher and author of leading books on Damages and Evidence, remained at Northwestern until 1940 when he became Dean at Texas.

Green's rebuilding of the faculty continued throughout the 1930's. In 1932, Homer F. Carey came from the Michigan faculty. A property scholar of extraordinary talent and rare personal quality, Carey enlivened faculty, students and the bar until his death in 1950. The scholarly successor to Kales, his prolific writing included the modern classic in *Future Interests*, done in collaboration with Professor Schuyler.¹⁹ In 1933, Samuel E. Thorne became Librarian to replace Frederic B. Crossley. Thorne remained until he entered the Navy during the War, after which he left to become Librarian at Yale; he has since become Professor of Legal History at Harvard.

In 1934, the resident faculty was augmented by appointment of Carl B. Spaeth and Gerald L. Wallace. Spaeth remained until 1939 when he left for Yale; since 1946, he has been Dean at Stanford Law School. Wallace went to Yale in 1938 and is now on the faculty at New York University.

In 1935, Green brought in one of the most tough-minded and distinguished of all the "realists" of the day, Walter Wheeler Cook. Near retirement age when he arrived, after a career of service in several different law schools, including Nebraska, Missouri, Wisconsin, Chicago, Yale, Columbia and Johns Hopkins, Cook remained by special arrangement to teach Conflict of Laws,

17. *Id.*, April 29, 1930. See Millar, *In Memoriam—Newman Freese Baker*, 36 ILL. L. REV. 249 (1941).

18. TRUSTEE MINUTES, May 27, 1930.

19. CAREY AND SCHUYLER, *ILLINOIS LAW OF FUTURE INTERESTS* (1941). Memorial papers on Carey are published in 45 ILL. L. REV. 703 (1951).

Equity and his own variety of Legal Method, until his death in 1943. To his great scholarship in Equity and other fields was added his book on the *Logical and Legal Bases of the Conflict of Laws*, published a year before his death in 1942.²⁰

In 1936, Nathaniel L. Nathanson came after clerkships with Judge Julian W. Mack and Justice Louis D. Brandeis and practice with the Securities Exchange Commission. He has remained on the faculty since then, working primarily in the fields of Constitutional Law and Administrative Law. In the same year, Fred Inbau, also a present faculty member, came as a member of the staff of the Scientific Crime Detection Laboratory.

Thus, by 1936-37, Green had assembled a faculty of unusual stature and balance and also of substantial size. Its resident members, in addition to Green and Wigmore, included Kocourek, Millar, Albertsworth, Fagg, McCormick, Havighurst, Baker, Carey, Cook, Sargent, Thorne, Spaeth, Wallace and Nathanson, together with Inbau and others of the Crime Laboratory. In addition, Nellie MacNamara ('17) (1928-1955) was supervising the clinic work of the students with the Legal Aid Bureau. Elmer M. Leesman ('09) and Stephen Love ('11), previously mentioned, were giving courses; Richard Spencer was teaching Patents; and Irving Goldstein, a member of the present faculty, had begun to give his course in Trial Technique.

In 1939, Carl McGowan and W. Willard Wirtz came to the faculty. McGowan remained until 1942, when he entered service; after the war he entered practice in Washington. In 1948, he returned to teach for one year, then became administrative aide to Governor Stevenson and is now in practice in Chicago.

Wirtz came from the law faculty of the University of Iowa and has remained on the Northwestern faculty since his arrival in 1939. Since 1946, he has taught primarily in the field of Labor Law, and since 1955, has also been in practice in Chicago with Governor Stevenson and others.

The last two appointments to the resident faculty before the war were those of Walter V. Schaefer and Brunson MacChesney in 1940. Schaefer taught primarily in Procedure and Evidence and served continuously as a resident professor until 1951. In 1950-51, he served by appointment of Governor Stevenson as Chairman of a Commission to study the structure of the state government and to recommend changes. In 1951, he was appointed to the Supreme Court of Illinois to fill the unexpired portion of the term of the late Justice Wilson. Later in 1951, he was elected to the court for the full nine-year term. Justice Schaefer

20. Memorial papers on Cook are published in 38 ILL. L. REV. 341 (1944).

enjoys a reputation today as one of the most able appellate court judges in the nation. He has continued to participate in the work of the school through lectures, seminars and occasional appearances in different classes.

MacChesney previously had been on the California faculty and had served with the Department of Justice and as acting chief of the Wage and Hour Division. He has remained on the faculty since his appointment, and since 1946 has worked primarily in the fields of International Law and Conflict of Laws.

The Integrated Curriculum

One of the primary interests of Dean Green throughout his administration was the curriculum and its content.²¹ By virtue of Wigmore's earlier strong leadership in curricular reform followed directly by Green's constant emphasis upon it, Northwestern has earned a substantial reputation for pioneering in educational methods.

In his development address of 1929, Green had challenged lawyers and law teachers alike to apply "scientific method" to law, to bore deeply into the reasons for the development of legal rules and to seek major improvement. With rare exceptions such as Wigmore, he said, "the attitude of law teachers for the most part has not been that of the scientist, a creator, but that of the historian and the doctrinaire."²² The great financial drive to implement these ideas on a grand scale was halted by the Depression, but the challenge and the philosophy remained.²³

By 1933, the Northwestern curriculum had been put through a major overhaul and realignment.²⁴ Many fragmentary courses had been merged into more comprehensive subject-matter, and the total number of courses reduced. Basic subjects such as Contracts, Torts, Constitutional Law, Property, Procedure and Court Organization, Criminal Law and Business Organizations had been singled out of the previous maze for more extensive treatment.

A major contribution to legal education was made in the early recognition of the importance of public law and in curricular reform in adaptation to it. In 1930, in what was then a radical move, Constitutional Law was installed in the first year to take its place alongside other foundation courses.²⁵ By 1935, a comprehensive

21. McCormick, *Leon Green and Legal Education*, 43 ILL. L. REV. 5 (1948).

22. *Op. cit. supra* note 11, at 17.

23. See Green, *The Law School Situation*, N.U. BULLETIN, May 27, 1935.

24. See N.U. SCHOOL OF LAW BULLETIN, 1932-33, 14.

25. McCormick, *supra* note 21.

course in Administrative Law had been introduced in the second year, covering both procedure and some of the substance of major administrative fields.²⁶ In 1936, six semester hours were assigned to the work in Taxation,²⁷ and the public law program included also a continuation of the school's historic attention to International Law and provision for several other specific public law courses.

Green's interest in viewing a curriculum as a whole, and in deepening its probe into the sources and environments of law led ultimately to a fully integrated, prescribed course of law study. This curriculum was evolved by planning during World War II and emerged full-blown in 1946 under the announcement of "Reconversion in Legal Education."²⁸ It sought an increase in the amount of time devoted to law study as well as a basic change in approach.

The plan provided for an increase of from 84 to 100 in the credit hours required for a degree. Thus the goal of the earlier four-year curriculum would be substantially achieved, but in a calendar time of 29, instead of 48 months. The latter gain would result from lengthening of the summer term and integrating it directly into the regular course, so that students would attend seven terms in less than three years.

Each of the seven terms under the new plan was viewed as a group unit of integrated or related courses. The first three units were devoted to "basic concepts." The fourth unit was composed of procedure courses, including Courts, Actions, Administrative Law, Trials (Evidence and Trial Technique) and Legal Clinic. The fifth unit was called "Corporate Industry" and included Corporations, Labor Law and Trade Relations, along with Accounting. The sixth unit, called "Trade and Finance," covered Sales and Credit Transactions, Commercial Paper and Real Estate Transactions. The seventh unit, called "Government and Public Services," included Taxation, Conflicts and International Law, Public Utility Regulation, and a number of elective seminars. Each of the units was to be further integrated by seminar and individual work cutting across all the related fields under direction of all faculty members associated with that unit. An expected by-product of this was to be the continuing education of the faculty members themselves and the evolution of new teaching materials and methods better adapted to the new approach.

The new plan was a bold stroke and it occasioned a great deal of notice in the law school world. As a prescription for thorough

26. N.U. SCHOOL OF LAW BULLETIN, 1935-36, 18.

27. *Id.*, 1936-37, 24.

28. N.U. BULLETIN, *Reconversion in Legal Education*, March 25, 1946.

and intensive legal education it had no rival. As with Northwestern's earlier four-year law curriculum, however, its effort to lead law schools toward higher requirements, for which too many others were not ready, led to its undoing. Most law schools could not be persuaded either to increase the number of credit hours required for graduation or to integrate summer work with the regular year. After the heavy flow of returning war veterans ended, Northwestern found it more and more difficult to meet the competition for good applicants offered by most other schools with lesser requirements.

The first compromises were to make the summer term optional and reduce the hour requirement from 100 to 90.²⁹ This led to administrative difficulties in providing within the fall and winter terms an opportunity for students who did not attend the summer term to get the courses offered then. With the symmetry of the plan thus an obstacle, it became more and more difficult for Dean Havighurst and his faculty to adhere strictly to the plan's prescription of required courses. Moreover, some argued that the curriculum's rigidity unduly hampered experimentation and adaptation both to individual faculty talents and to student needs and preferences. Under these pressures, the curriculum gradually changed until in the 1952-53 curriculum, the group unit plan was abandoned as a whole.³⁰

The school continued to operate for several years thereafter with a largely prescribed course of study and few elective courses. More recently, the number of electives offered in the third year has gradually increased, a trend which gives evidence of continuing in the future. Some of the related courses which formed a group under the integrated plan are still taught concurrently, notably the Corporate Industry group composed of Corporations, Labor Law and Trade Relations, and this group still operates with a seminar for all students designed to probe sources of problems common to the three courses, although the seminar no longer receives separate credit.³¹

Thus ended Northwestern's second sustained effort over the last 40 years to lead a major breakthrough in the methods and standards of legal education. Though failing to achieve their ultimate goals, these experiments have not been without profound and beneficial effect both within the school and upon the efforts of legal educators everywhere to improve the techniques of law study.

29. N.U. SCHOOL OF LAW BULLETIN, 1948-49, 9, 12.

30. *Id.*, 1952-53, 13.

31. See *id.*, 1959-60, 19.

The Scientific Crime Detection Laboratory

Two institutions conceived in the closing months of Wigmore's deanship in 1929 were developed in the 1930's into major achievements. The first was the organization, in affiliation with the law school, of a laboratory to develop and apply scientific methods in the solution of crime. The laboratory was the idea of Burt A. Masee, a vice president of the Colgate-Palmolive-Peet Co., and grew out of his experience as chairman of the Coroner's jury appointed in the Spring of 1929 to inquire into the St. Valentine's Day Massacre.³²

The Scientific Crime Detection Laboratory was begun in July, 1929 and was located first at 469 East Ohio Street, and later at 222 East Superior Street. Supported by gifts of Masee and others, the laboratory conducted extensive research, rendered important service to police departments and others throughout the nation and developed many valuable investigative devices and methods which are basic to police work today. Its best known contribution probably was the successful development of the "lie detector." For about ten years, its directors were members of the law faculty, and students specializing in Criminal Law were permitted to obtain instruction offered by it.

In 1938, the University transferred the laboratory to the City of Chicago, with Professor Inbau on leave to direct and effectuate the transfer. It has continued to be one of the outstanding institutions in American police work.

The Journal of Air Law and Commerce

In August of 1929, the Air Law Institute was organized in affiliation with the law school, with Professor Fagg as Director.³³ The Institute was designed to furnish information and instruction concerning air law throughout the world and to promote sound development of the law of this country. With its budget financed by private contributions, it began publication of two journals, the *Journal of Air Law* (1930) and the *Journal of Radio Law* (1931) in conjunction with the University of Southern California. Publication of the radio journal ceased in 1932. The Institute itself ceased to function about 1940, but its principal innovation, the *Journal of Air Law* has been published continuously since 1930, except for the war years, by Northwestern University. In 1940, the School of Commerce joined with the law school in editing the publication, and the name accordingly was changed to its present title, *Journal of Air Law and Commerce*. Recently, responsibility

32. See CHRONICLES, *op. cit. supra* note 2, at 3.

33. *Id.* at 2.

for its publication has been assumed by the Northwestern University Transportation Center. Law students continue as in the past to provide notes and comments for this *Journal*.

Since 1930, the school thus has been publishing three major professional law journals, all of which contribute not only to the outside world, but also greatly enrich the research and writing activities of both faculty and students.

The Junior Bar Association

In 1934, the Junior Bar Association was organized to take over functions previously performed by a student House Committee.³⁴ In addition, the new Association assumed responsibility for promotion of student activities and for obtaining unity and cooperation among the students.

All members of the student body are members of the Association. Under its auspices, the officers provide for lectures and other educational programs at the school, for coordination and control of the activities of the legal fraternities, for social and athletic activities for the students and for proper use and care of the school's facilities.

In addition, the Association administers the Honor Code at Northwestern. Examinations and other graded activities of students are conducted without faculty proctoring and pursuant to rules established by the Association. The Board of Governors investigates infractions of the rules, conducts hearings and where indicated recommends disciplinary action to the faculty.

In 1957, the Junior Bar Association established a Research Group and in 1958, this organization became an independent one within the school, called the Legal Research Staff. The organization provides selected students who work on research problems for various committees of the Illinois State and Chicago Bar Associations.

The Second War

World War II reduced the school's enrollment to a very small level and a skeleton staff of faculty worked prodigiously to offer the basic parts of the whole curriculum. Professors Albertsworth and Cook were on hand the first year. Most of the teaching thereafter was done by Green, Havighurst, Carey and Schaefer. Professor Inbau came on the faculty again in 1945 and non-resident Professors Love and Leesman, Lecturers Goldstein and Spencer and others helped out.

34. LAW FACULTY MINUTES, December 3, 1934.

Since Abbott Hall was largely taken over by the Navy for training reserve midshipmen, the fourth floor study rooms of Levy Mayer Hall were converted into dormitory rooms for men.³⁵

Meanwhile, Professors Nathanson, MacChesney, Wirtz, McGowan and Thorne of the resident faculty went on leave. Professor Nathanson served with the Office of Price Administration, as Associate General Counsel in charge of defense of the agency's rulings in the Emergency Court of Appeals. Professor MacChesney served first as Assistant General Counsel of the Office of Price Administration in charge of enforcement, and later as Special Representative of the Foreign Economic Administration in Africa and France, and as Special Assistant to the American Ambassador in Paris.

Professor Wirtz served with the Board of Economic Welfare, with the War Labor Board as General Counsel and with its successor, the National Wage Stabilization Board, as General Counsel and as Chairman. Professors McGowan and Thorne entered the Navy. Professor Emeritus Millar returned to Washington for his second period of war service, this time as a civilian assistant to the Secretary of the Navy.³⁶

Throughout the war a Newsletter, patterned after that of the first World War, went out to the many hundreds of Northwestern students and alumni in the service. Prepared by Sarah B. Morgan, Wigmore's secretary, it brought news, and a touch of home, and often provided valuable information concerning the location of different individuals.

Fourteen students and alumni lost their lives in service in this war. Their names are inscribed on a bronze tablet in the lobby of Levy Mayer Hall, beside the tablet bearing the names of the nine who gave their lives in World War I.

VI

Maturing and Building 1946 to the Present

Dean Green remained after World War II only for one year, 1946-47—long enough to reassemble the faculty, greet the huge influx of students and launch the new curriculum. He then resigned to fulfill a long ambition of returning to Texas to teach and write.¹

35. N.U. SCHOOL OF LAW BULLETIN, 1943-44, 3.

36. See Havighurst, *In Memoriam: Robert Wyness Millar*, 54 Nw. U. L. REV. 143 (1959).

1. TRUSTEE MINUTES, June 16, 1947, 195; see also *id.*, October 1, 1947, 7.



Dean Leon Green



Dean John Ritchie III



Dean Harold C. Havighurst

Havighurst

The assignment of heading the school fell to the senior professor, Harold Canfield Havighurst. Appointed first as Administrative Officer for 1947-48, he was later elected Dean by the Board of Trustees upon nomination by President Snyder.² He served as Dean until 1957, when he turned over the school's administration to the present Dean, John Ritchie, III. He has since continued to serve as a regular professor in the school.

Born in Findlay, Ohio in 1897, Havighurst graduated from Ohio Wesleyan University in 1919 and from Harvard Law School in 1926, after first obtaining a degree of Master of Arts from Harvard in 1922. He practiced law for two years in New York with the firm of former Governor Nathan L. Miller, and then joined the faculty of the Law School of West Virginia University. From there he came to Northwestern in 1930, where he has already devoted 30 years to the law school.

Havighurst's profound scholarship is well-known. His casebook on Contracts, published in 1934 and revised in 1950, is a pioneering work, grouping cases in relation to the kinds of transactions involved rather than in terms of abstract doctrinal classifications. His students are given not only an exacting experience at the hands of one of the masters of the case method, which would be possible with almost any kind of book, but also are led to see the functioning of agreements in their various environments, whether they involve gifts, building construction agreements, loans, sales, or other types of transactions. His other writings to date have been largely in the law reviews, where his original analyses and lucid style have added many permanent contributions to the field of Contracts, as well as to a significant range of other subjects.

In 1937, Havighurst served as Chairman of the Committee of the Illinois State Bar Association to draft a new Insurance Code for Illinois, and the resulting code has been a model for other states. In 1943, he was appointed a member of the Conference of Commissioners on Uniform State Laws, has served as its Vice President (1959-60), and has contributed much to the quality of its important work over the years. During 1939-40, he was on leave serving as a Special Assistant to the Attorney General of the United States, and in 1943, he served as a legal consultant for the State Department's Office of Foreign Relief and Rehabilitation Operations.

The Post-War Faculty

The resident faculty of the law school has reached its largest size in history in the years since World War II. Selection of its

2. TRUSTEE MINUTES, 1947-48.

members has been pursuant to a continuing policy of placing emphasis not only upon scholarship, but also upon the ability to teach effectively. The post-war faculty has also continued the school's long tradition of research and scholarship. Most of the present resident members of the faculty are using published materials of their own authorship in one or more of the courses they teach, and a list of the books, monographs, papers, compilations, articles, comments, notes and reviews of this group would fill many pages.

The resident faculty which came under Havighurst's leadership in 1947-48 contained the following members who had served before the war: Carey, Nathanson, Wirtz, MacChesney, and Schaefer.³ Dean Green had augmented this group by several additional appointments. In 1945, Fred Inbau (Grad. '33) had been appointed as a regular faculty member to teach Criminal Law, and serve as Managing Director of the *Journal of Criminal Law and Criminology*; in several earlier years he had served with the Scientific Crime Detection Laboratory already described.

In 1946, Dean Green had obtained William R. Roalfe to be the new Librarian from the Duke University faculty, where he had been Librarian since 1931, except for service with the Office of Price Administration during the War. Also in 1946, Green had brought in Willard H. Pedrick, James A. Rahl, Daniel M. Schuyler and Edward C. Sweeney. Pedrick ('39) was appointed to teach Taxation and other subjects. He had taught law previously at Cincinnati and Texas, had clerked for Judge Fred M. Vinson on the Court of Appeals of the District of Columbia, had been an attorney with the Department of Justice and had served in the Marine Corps. Rahl ('42) was appointed to teach Trade Regulation and other subjects. He had been an attorney with the Office of Price Administration until 1943 and had spent the remaining years in the Army.

Schuyler ('37) was co-author with Homer Carey of the *Illinois Law of Future Interests* (1941) and was brought on the faculty to teach in the Property field, while continuing his Chicago law practice. Sweeney ('31) was appointed to teach and also to edit the *Journal of Air Law and Commerce*. He ceased teaching a few years later, in favor of Washington practice, but continued on the *Journal* staff until 1957. Roalfe, Pedrick, Rahl and Schuyler have continued on the faculty to the present.

Between 1947 and 1950, three men joined the faculty who have since gone to other schools. They were William L. Cary (1947-55) who came from the Harvard Graduate School of Business faculty and left for the Columbia faculty; Francis A. Allen ('46)

3. N.U. SCHOOL OF LAW BULLETIN, 1947-48.

(1948-53), who left for Harvard and then moved to Chicago; and Philip B. Kurland (1950-53) who moved to Chicago. Also as previously mentioned, in 1949 Carl McGowan, after teaching for one post-war year, left teaching and in 1951, Walter V. Schaefer went on the Illinois Supreme Court.

New appointments obtained by Dean Havighurst made up for these departures and further increased the faculty's size. In 1952, William M. Trumbull ('41) came from a Chicago practice to teach in the Commercial Law and Professional Responsibility fields. In 1953, Harry B. Reese came from the faculty of Ohio State to teach in the Procedure and other fields; previously he had served as law clerk to Judge Chase of the Second Circuit Court of Appeals and had practiced in Ohio. Also in 1953, Alan N. Polasky came from Chicago practice, but left in 1957 for the Michigan faculty.

In 1955, Havighurst obtained authorization for the School's first Assistant Dean, and filled the post with appointment of John E. Coons ('53). (Beginning in the Fall of 1960, Coons will cease administrative duties and devote his full time to teaching.) Also in 1955, Philip J. Murphy was appointed under the Raymond Foundation to supervise the Legal Clinic work, succeeding Nellie MacNamara who had retired.

In 1956, Howard R. Sacks joined the faculty to teach Torts, Constitutional Law and Professional Relations; previously he had taught law at Minnesota and had served with the Wage Stabilization Board and the Army General Counsel. Also in 1956, Alfred Hill came from the faculty of Southern Methodist University as a Visiting Professor. In 1957, Hill, who had served for nine years with the Securities and Exchange Commission, was appointed to teach in the field of Corporations and related subjects.

In 1957, Havighurst further enlarged the faculty with the appointment in the Taxation field of Vance N. Kirby, previously Tax Legislative Counsel for the Treasury and later in Chicago practice. Also in 1957, Alexander Nekam came from Yale to teach Comparative Law and other subjects under the Ford Foundation program, later described; previously he had been on the Boston College Law School faculty, and in previous years had served in several capacities in the Hungarian Government.

Of the above, the following are with the present resident faculty: Havighurst, Nathanson, MacChesney, Wirtz, Inbau, Roalfe, Pedrick, Rahl, Schuyler, Trumbull, Reese, Coons, Murphy, Sacks, Hill, Kirby and Nekam.

Since the appointment of Dean Ritchie, this group has been augmented further by the addition of Ritchie himself, and Professors Kurt Schwerin and Claude R. Soble. Schwerin was appointed as Associate Professor and Assistant Librarian in 1958;

holding a doctorate in the field of History, and a specialist in foreign legal collections, he has been on the Library staff since 1948, and was a Research Associate in International and Comparative Law from 1957 to 1958. Sowle ('56) was appointed in 1958 to work in the fields of Criminal Law and Evidence, and is the new editor-in-chief of the *Journal of Criminal Law, Criminology and Police Science*. Also from 1958 to the present James W. Hoban ('51) has served as Assistant Dean for administration and development. Hoban has resigned effective in the Summer of 1960 to go into practice in New Jersey, and is being succeeded by Edward B. Wagner ('53), who has come to the school from practice in Chicago.

The work of the resident faculty has been supplemented and enriched each year by several members of the Chicago Bar, who are specialists in their fields. Not all can be mentioned here, but a list will be found in the Appendix. Several present teachers who have rendered long and continuous service are: Irving Goldstein in Trial Technique (since 1935); William W. Brady ('40) in Legal Accounting (since 1940); Albert Kegan in Patents (since 1945); and Robert Marks ('40) in Restitution and other subjects (since 1949). Joseph R. Julin ('52), who taught in the Property field from 1953 to 1959, joined the resident Michigan faculty last year.

Enrichment of the teaching has come also from Visiting Professors from other faculties. During the regular academic terms in recent years, the visitors have included Charles T. McCormick of Texas, Melvin G. Dakin of Louisiana State, Vaughn C. Ball of Ohio State, Joseph Dainow (grad. '38) of Louisiana State, Ritchie G. Davis of Indiana, John C. O'Byrne Jr. of Iowa, Wilbur R. Lester ('39) of Cincinnati and Clive Parry of the University of Cambridge, England. Summer term visitors from other law schools since the War have included Wex S. Malone, Louisiana State; Leon Green, Texas; Robert Braucher, Harvard; Orrin B. Evans, Southern California; Friedrich Kessler, Yale; Allison Dunham, Columbia; A. Leo Levin, Iowa and Pennsylvania; William W. Oliver ('49), Indiana; and Robert Kramer, Duke.

Teaching Associates

A significant innovation accomplished by Dean Havighurst beginning with the year 1949-50, was the enlargement of the teaching staff to include several Teaching Associates.⁴ Appointed usually for one-year terms, the Teaching Associates, or "Fellows" as they are sometimes known, are recent graduates of different law schools. Customarily, one is a Northwestern graduate and

4. A list of the teaching associates is contained at the end of the faculty list in Appendix C, *infra*.

one is a graduate of the University of Oxford, England. Others are from various American schools.

The Teaching Associates work under the supervision of the Librarian in the school's extensive program of legal research and writing, and give individual attention to the work of each first year student. In the second semester, the Associates also assist with the Moot Court programs of the school.

Wigmore Fund for the Library

One of the important projects which occupied the Dean, the Librarian, the officers of the Law Alumni Association and others during the early years of Havighurst's administration was the raising of special funds for the library. Beginning in 1947, a campaign was developed and launched to establish the "John Henry Wigmore Fund" for the library. A committee headed by Barnet Hodes ('21), and a number of other alumni obtained a total fund of about \$150,000, toward which 100 persons each gave \$1,000 or more. The Wigmore fund was designated as the special project of the law school for purposes of the University's Centennial campaign.

The Reporter

During his administration, Dean Havighurst devoted increased attention to developing and improving relations with the alumni of the school. The practice of holding dinners of alumni classes, usually every five years, was initiated at his suggestion in 1952. Also in 1952, the Junior Bar Association began the publication of the *Reporter*, a semiannual magazine distributed to alumni and students. The *Reporter* contains news of school and alumni events.

The policy of fund raising through annual alumni giving was also instituted at about this time and through the cooperation of the officers of the Law Alumni Association has continued to the present as an increasingly important source of assistance to the school.

Scholarships, Prizes and Endowments

Prior to World War II, a number of special scholarship funds had been created for the school. These included the James Nelson Raymond Fellowships, and a bequest for scholarships in the will of Elbert H. Gary ('67). Also special scholarship funds were named for Lewis Larned Coburn, Jacob Newman, Manierre B. Ware, Anna Louise Raymond, Charles C. Linthicum, Elmer A. Smith, Rufus H. Sage and Mahlon Ogden West.⁵

5. See descriptions in N.U. SCHOOL OF LAW BULLETIN, 1959-60, 25-27.

Also, several permanent prize funds had been established. These included the Lowden-Wigmore fund, established by Frank C. Lowden ('87) to provide prizes for effective speech and legal writing; the fund established by Professor Charles Cheney Hyde for a prize for papers on International Law; the Charles C. Linthicum Foundation fund which may be used, among other purposes, for prizes for writing on Patents, Copyrights, Trademarks and related fields; and the Junior Bar Association silver cup award for the first year student each year with the highest academic record.⁶

Since World War II, scholarship funds have greatly increased. In 1947, Owen L. Coon ('19) established a number of scholarships in honor of Clarion DeWitt Hardy, deceased School of Speech professor, who also incidentally had given instruction in public speaking in the law school from 1927 to 1929. The scholarships are designed to encourage able young men to devote a part of their lives to public service. Coon died in 1948, but the Owen L. Coon Foundation has continued the scholarships, and in 1957 provided a substantial increase in the funds.⁷

Also, in 1949, a trust under the will of Francis S. Kosmerl was created to provide a number of scholarships which are available in the law school. Both the Hardy and the Kosmerl scholarships may be granted in amounts exceeding tuition. Other scholarship funds created since the War are the Charles Weinfeld Scholarship, the Frederic R. DeYoung Scholarship, the Wellington Walker Scholarship and the Class of 1954 fund. Also, scholarship funds have been provided annually by Judge Julius J. Hoffman ('15), the Chicago Title and Trust Company, a member of the Class of 1938, Tau Epsilon Rho Fraternity, and the Farmers Insurance Group. The University also provides substantial amounts for both scholarships and loans.⁸

In 1949, the Junior Bar Association established the Wigmore Key award, given each year to the senior "who has done most for the school and toward preserving its traditions." In 1952, the local chapter of Phi Delta Phi fraternity provided for an annual book award in memory of Professor Homer F. Carey, and the Class of 1956 provided a bronze plaque for recognition of the graduating student with the highest standing each year. The Lawyers Title Foundation provides a cash prize each year for the best work in the fields of real estate and trusts.⁹

6. *Id.* at 24.

7. Hardy Scholarships were established by Owen L. Coon for undergraduates at Northwestern in 1935.

8. *Op. cit. supra* note 5.

9. *Ibid.*

The school's general or unrestricted endowment funds have also grown since the first campaign of the 1920's. In 1935, a substantial endowment grant was received in memory of Henry Sargent Towle through a trust established by his wife.

In 1948, Mrs. Frank H. Thatcher gave \$100,000 to establish a fund as a memorial to her husband, the income to be used for the benefit of the law school.¹⁰ The large seminar room on the fourth floor of Levy Mayer Hall was named for Mr. Thatcher. These various funds together with the general building endowments provided by Elbert H. Gary and Mrs. Levy Mayer provide the school with a substantial base of permanent financial support.

Higher Admission Requirements

Since the War, most of the school's students have begun their educational careers in the fall term. However, the disruption in the lives of young men produced by military service has led the school in most years also to admit small new groups at the beginning of the winter term. Although the school has also had a summer session every year for many years, new students have not been admitted in the summer since immediately after the War.

The already high admission standards of the school have risen steadily since the War. Immediately after the War, the school was plagued with the problem of selecting a limited class from a large number of applicants and was one of several which cooperated with the Educational Testing Service in developing a Law School Admission Test designed to test aptitude for law study. For a number of years now, a satisfactory grade on this test has been a requirement for admission to Northwestern and the test score is used along with the applicant's college academic record and other information in comparison with other applicants.¹¹

Dean Havighurst took a further step during 1956-57 by instituting a more stringent rule with respect to admission of students after three years of college.¹² Beginning with the 1957-58 school year, applicants were required to present a college degree for admission. Exceptions could be made for applicants possessing "the maturity desirable for the study of law."¹³ In 1958-59, this requirement was restated so as to provide for exceptions only "in unusual circumstances,"¹⁴ described in the school bulletin. In

10. TRUSTEE MINUTES, Feb. 10, 1948, 106.

11. N.U. SCHOOL OF LAW BULLETIN, 1959-60, 11.

12. FACULTY MINUTES, Dec. 5, 1956.

13. N.U. SCHOOL OF LAW BULLETIN, 1957-58, 9-10.

14. *Id.*, 1959-60, 11.

practice, very few applicants have been admitted in recent years without a college degree.

*The Ford Foundation International Legal Studies
and Criminal Law Grants*

In the spring of 1957, the Ford Foundation recognized Northwestern's long leadership in the field of International Law, and made a grant of \$200,000 for expansion of the school's work in international legal studies. Under this new program, directed by Professor MacChesney, an additional faculty member was appointed (Professor Nekam), new courses in Comparative Law, Admiralty, International Organization, and International Business Transactions have been added, and funds are used for several fellowships for foreign students, for visiting foreign professors, and for research and writing.¹⁵

In 1958, the Ford Foundation gave another large grant of \$300,000 for a five-year program at Northwestern in the field of Criminal Law. This grant was in recognition of the school's extensive and unique leadership in this field over the years, and is under the direction of Professor Inbau. The program has made possible the appointment of an additional faculty member (Professor Sowle), and the granting of six fellowships for graduate study in criminal law each year. It has also made possible continuation of the school's annual short courses for prosecuting attorneys, as well as the giving of new short courses for defense attorneys, newsmen, criminal court judges and top ranking police officers.¹⁶ Northwestern's highly successful annual short course for Prosecuting Attorneys was given for the fourteenth time in 1959 and when started, it was a pioneering step for law schools in the field of short courses for lawyers.

Ritchie

In 1956, Harold Havighurst decided that he would like to be relieved of the duties of administration to resume full attention to teaching, research and writing.¹⁷ He agreed, however, to continue as Dean until a successor was chosen, and served a full year, 1956-57, after his decision to resign.

In the spring of 1957, President Miller announced the appointment of John Ritchie III, as the eighth Dean in the school's his-

15. *Id.* at 10.

16. *Id.* at 11.

17. TRUSTEE MINUTES, April 16, 1956, 270.

tory.¹⁸ At the time, Ritchie was completing his fourth year as Dean of the Law School of the University of Wisconsin where he served from 1953 to 1957.

Ritchie was born in Norfolk, Virginia in 1904. He received his college degree from the University of Virginia in 1925 and his law degree from Virginia in 1927. After practice in Omaha, Nebraska and two years of law teaching at Furman University, he completed work for the J.S.D. degree at Yale in 1931. Thereafter, he was on the law faculty of the University of Washington from 1931 to 1936, when he joined the Virginia faculty. He served at Virginia until 1952, except for several years during World War II when he served as an Infantry Division Judge Advocate in the Army, attaining the rank of Colonel in the reserve. Before going to Wisconsin as Dean, he served as Dean and Professor for the 1952-53 season in the School of Law of Washington University in St. Louis.

A well-known writer and teacher in the fields of Property, Wills, Trusts and Decedents' Estates, he is co-author of an established casebook on Decedents' Estates and Trusts. His other scholarly contributions have been largely in the law reviews. Dean Ritchie is a member of the House of Delegates and of the Council of the Section of Legal Education of the American Bar Association. Also he has been active in the American Law Institute, the Judge Advocates Association of which he has been President, and the Association of American Law Schools, serving on the latter's Executive Committee in 1956. From 1952 to 1956, he was President of the Order of the Coif.

Dean Ritchie's substantial and distinguished experience in law school administration had prepared him well for the great undertakings in development which the school was to initiate under his leadership. As the school's first century drew to a close, its program received financial support from the University to a degree unparalleled in the school's history. Faculty salaries have been increased substantially; book funds for the library have been more than doubled; the library staff has been enlarged by four; and a Placement Office for students and alumni has been established with a full-time employee, under the supervision of Professor Trumbull.

The Centennial Celebration

From the beginning of his administration in the fall of 1957, Dean Ritchie has been occupied with two coinciding events of major importance to the school, the building of Robert R. McCormick Hall, and the School's Centennial Celebration.

18. *Id.*, April 22, 1957, 148.



The Law School Quadrangle, 1960. (View from the Southeast, showing Robert R. McCormick Hall in foreground, Levy Mayer Hall in the rear, and the Elbert H. Gary and Owen L. Coon Library on the right.)

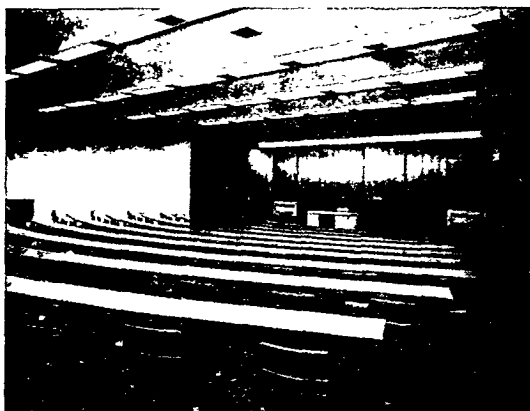
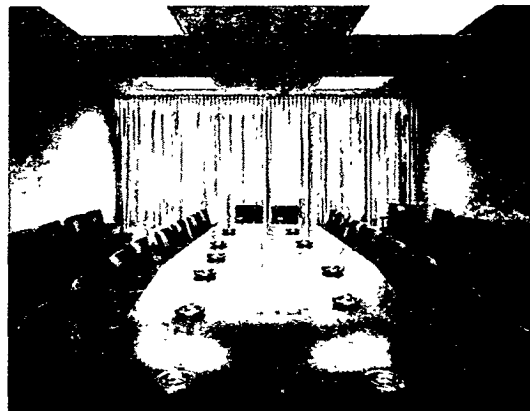
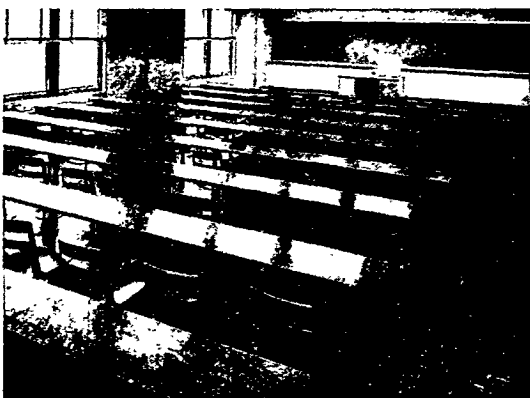
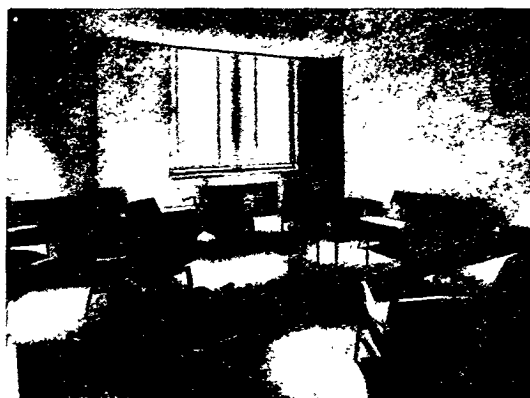
One hundred years old on September 21, 1959, the law school has devoted the entire school year, 1959-60, to observance and celebration of this event.¹⁹ A series of academic conferences was planned on the general theme, "Preservation of a Free Society Under Law," two of which have already been held. On October 28, 1959, a conference on "Freedom in the Modern American Economy" was held, with papers and speeches by several noted lawyers and scholars. On February 19 and 20, 1960, an International Conference on "Criminal Law Administration in a Free Society" was held, with addresses by representatives from seven foreign countries and a number of distinguished Americans. The events of the Centennial celebration were planned to conclude in May with the Rosenthal Lectures, a Conference on "Individual Freedom and Public Debate," the Law Alumni Association Centennial Dinner, the dedication of Robert R. McCormick Hall and Owen L. Coon Library and a Centennial Convocation at which the school's 100 years of service will be recognized by many guests from all parts of the nation and the world. Several honorary degrees will be awarded at the Convocation.

Robert R. McCormick Hall

Shortly after Dean Ritchie took office in 1957, announcement was made of plans to construct Robert R. McCormick Hall. For years, it had been apparent that the existing Elbert H. Gary Library building would soon be too small for the school's great and burgeoning book collection. Moreover, the faculty had outgrown the number of offices in Levy Mayer Hall and its three classrooms, together with Lincoln Hall, had proved insufficient to accommodate without difficulty the school's gradually growing student body and program. To these basic needs were added Dean Ritchie's strong belief that law study is ideally conducted only in small classes, preferably no larger than 50, with consequent need for more sections in courses, more faculty members and more classroom facilities.

Accordingly, the University decided to construct a new addition, built in such a way as to complete the quadrangle begun with Levy Mayer Hall and Elbert H. Gary Library, and to match the modified Gothic style of those buildings. The library building would be doubled in size by extending it to Superior Street. Facing along Superior would be a three-story structure, attached to the library building and containing three additional classrooms, a courtroom, a large conference room, a faculty lounge, and offices for professors, teaching associates, graduate students, student edi-

19. A printed announcement of all events of the Centennial Year was disseminated in the fall of 1959.

Interiors of Robert R. McCormick Hall*Strawn Hall**MacChesney Hall**Getz Court Room**Hoffman Hall**Cutting Hall**Sidley Hall*

tors of the law journals, and other facilities. The garden inside the quadrangle would be reconstructed.

Toward construction costs, the trustees of the Robert R. McCormick Charitable Trust agreed to give \$400,000, and the new structure was named for the late Col. Robert R. McCormick ('06), who after some time in law practice was the editor and publisher of the *Chicago Tribune* until his death in 1955. It was agreed that the Alumni would be asked to match the \$400,000 gift, and the balance of the estimated total cost of \$1,750,000 would be supplied by the University.²⁰

In the fall of 1957 plans for the fund-raising campaign were developed under the leadership of Dean Ritchie and the Law Alumni Association President, Harold A. Smith.²¹ The combined effort of an Executive Committee of the alumni, the class representatives, other alumni and friends and the University's Department of Development obtained within two years pledges in the amount of \$480,000. This total includes a gift of \$100,000 by the Trustees of the Owen L. Coon Foundation, donors of the Hardy Scholarships, toward the library addition to be named the "Owen L. Coon Library."²²

Ground-breaking ceremonies were held on July 30, 1958.²³ On May 5, 1959, ceremonies for the laying of the cornerstone were held. The distinguished guests who participated included Mr. Justice John Marshall Harlan of the Supreme Court of the United States, Illinois Governor William G. Stratton, Chicago's Mayor

20. See brochure, NORTHWESTERN UNIVERSITY SCHOOL OF LAW, *Yesterday, Today, Tomorrow*.

21. The Centennial Executive Committee of the alumni, which worked with Dean Ritchie, Assistant Dean Hoban and Harold A. Smith, included the following: Edwin C. Austin, James E. S. Baker, Nathan S. Blumberg, Bertram J. Cahn, Stanford A. Clinton, Paul W. Cutler, John A. Diener, Jr., Bernard M. Epstein, Barnet L. Hodes, Hon. Julius J. Hoffman, Timothy G. Lowry, Don H. McLucas, Hon. Julius H. Miner, Willis D. Nance, C. Lysle Smith, Cranston Spray, C. Ives Waldo, Jr., and Joseph H. Wright. Mr. Epstein served as chairman, and Messrs. Austin and Cahn were in charge of the campaign for special gifts.

22. See THE REPORTER, Jan. 1960, 7. The large rooms in Robert R. McCormick Hall and the persons for whom they are named are: Strawn Memorial Hall (auditorium-classroom, named in memory of Silas H. Strawn); Getz Court Room (practice court room, named in memory of George F. Getz, III); Schuyler Legal Publication Section (named in memory of Daniel J. Schuyler, Jr.); Hoffman Hall (2nd Floor Classroom, named in honor of Judge Julius J. Hoffman); MacChesney Hall (Seminar Room, named in memory of Nathan William MacChesney); Smith Hall (Law Review, Editorial Board Offices, named in memory of George D. Smith); Cutting Hall (3rd Floor Classroom, named in memory of Judge Charles S. Cutting); Sidley Hall, (Faculty Lounge, named in memory of William D. Sidley). A bronze plaque is to be hung on the wall of the foyer of Robert R. McCormick Hall bearing the names of all who contributed \$1000 or more; and a book containing the names of all contributors is to be prepared.

23. See THE REPORTER, Jan., 1959, 1.

Richard J. Daley, Mr. Stewart B. Owen for the trustees of the Robert R. McCormick Charitable Trust, Law Alumni Association President Harold A. Smith, President Miller, Kenneth L. Burgess, President of the Board of Trustees, and Dean Ritchie.²⁴ All of these persons spoke briefly in Thorne Hall preceding the actual cornerstone laying and the principal address was given by Justice Harlan who used the occasion to stress the importance of public service by members of the legal profession. Inside the cornerstone were placed a number of mementos in an hermetically sealed tube, including written predictions by various members of the faculty as to the status of the law of their respective fields 100 years hence.

In the evening, the Annual Banquet of the Law Alumni Association was held at the Blackstone Hotel. Mr. Justice Harlan was introduced as the principal speaker by Judge Julius J. Hoffman ('15), the President-elect of the Association. Also on hand for the occasion were Supreme Court Justice Thomas Clark, and many members of the state and federal courts. Harlan's address dealt with the work of the United States Supreme Court.

By the beginning of the school's second semester in February, 1960, most of the work on the new classroom building had been completed, and the expansion from Levy Mayer Hall began, with a number of classes being held in the new building, and several professors and others moving to the new quarters. The official dedication of the new quarters will be held on May 14, 1960.

Thus, dreams have been fulfilled and there have been carried out the ultimate ideas of the 1920's to provide for the law school its own complete and self-contained quadrangle. Some change in the original conception has occurred, but the basic goal has been the same. It had been once thought that Levy Mayer Hall was all the class building needed, that ultimate extension of the library would be to the east toward the Lake, rather than to the south, and that a separate dormitory building for the law students would be desirable. The construction of Abbott Hall and its opening in 1940 eliminated any need for the dormitory, however. The library can yet be further extended to the east if the need should some day arise. Meanwhile, the present great library extension to the south has joined with a new addition for educational purposes. As a result, Northwestern today is as well and beautifully equipped as any law school in the nation.

Law professors no longer readily chant in Latin, as Wigmore's faculty of 1926 did, with Catullus: *O quid solutis est beatius curis, cum onus mens reponit ac peregrino labore fessi venimus larem*

24. *Id.*, June 1959, 1.

*ad nostrum!*²⁵ But the present faculty will quickly subscribe to its predecessor's statement as to the purpose of seeking such superb quarters for law study:

An environment of professional dignity and propriety was sought, not as an end in itself, but as means to an educational end,—to implant in the aspirant the ideals of a scholar and a gentleman, that he may become the inheritor of the best traditions of the Anglo-American Bar.²⁶

And we may gratefully add that in this fulfillment of the goal of a nearly ideal environment for law study, those who are presently devoting their lives to this school can now see the beginning of a new era in legal education and research at Northwestern. The strong support given by the University and by the school's great body of alumni and friends assures no less.

VII

The Library

The law library at the present time has over 185,000 volumes. It ranks among the six largest law school libraries in the United States and is the largest law library in the Chicago area. The history of the library is closely associated with Dean Wigmore and with Elbert H. Gary ('67), Chairman of the United States Steel Corporation.

During the first years of its existence the law school had no library of its own. By special arrangement, the students and the faculty had, however, the privilege of using the library of the Chicago Law Institute which in the early 1890's contained some 30,000 volumes. Largely due to its outstanding Librarian, Julius Rosenthal, the range of its collections was excellent.¹

There is no record of a library in the law school itself until 1891, at which time it was referred to as one "in which will be found the books most constantly needed for purposes of consultation."² A few years later this nondescriptive statement was succeeded by one somewhat more explicit. The library is said to contain "the reports and text-books most needed for reference" and the Na-

25. N.U. SCHOOL OF LAW, A DESCRIPTION OF THE NEW BUILDING (Levy Mayer Hall and Elbert H. Gary Library Building) 8-9 (1926).

26. *Id.* at 10.

1. Julius Rosenthal (1828-1905), a leading member of the Chicago Bar was for forty years Librarian of the Chicago Law Institute. It was in his memory that the Julius Rosenthal Foundation was established at the law school.

2. N.U. CATALOGUE, 1891-92, 125; also N.U. LAW SCHOOL, CIRCULAR FOR INFORMATION, 1891-92, 19.

tional Reporter System.³ In the meeting of the University Board of Trustees of June 12, 1894, the need for a law library was stressed.⁴ Occasionally, library problems were discussed in meetings of the faculty, but they dealt with individual purchases or with conditions in the library of the Chicago Law Institute.⁵

Gradually the necessity of establishing a stronger library seems to have become more urgent. When in a faculty meeting, in November 1899, the matter of endowment funds was discussed, it was the opinion of the faculty that \$50,000 should be procured for the immediate purchase of books, \$100,000 for the endowment of the library and \$100,000 for a building fund.⁶ These were, of course, great but highly idealistic plans. While they could not be realized immediately, they fore-shadowed future developments. A "Committee on Library" was appointed in October, 1900 which recommended among others, that the library subscribe to all "leading legal periodicals in the English language."⁷

The Wigmore Impact

It is safe to assume that these steps reflected the influence of John H. Wigmore whose direct impact on the growth of the library was felt immediately after he became Dean in 1901. It was in the first year of his deanship that the first Librarian of the law school, Frederick B. Crossley, was appointed⁸ and that the size of the collection, 3,000 volumes, was first given, with a more detailed description of the holdings. They were identified as (1) the treatises most needed for reference, (2) all the English Reports since 1863, (3) a series of reprints of all other English Reports, (4) the complete series of the National Reporters, (5) the official reports of the courts of Illinois, the United States, and the other states whose decisions are most needed for the study of their local law.⁹

3. N.U. CATALOGUE, 1895-96, 184.

4. TRUSTEE MINUTES, June 12, 1894, 524. Attention was called to the Libraries of Harvard (33,000 volumes), Columbia (23,000 volumes), Cornell (22,000 volumes), Michigan (11,000 volumes).

5. RECORDS OF THE FACULTY, 1893-1910, October 23, 1893; June 10, 1895.

6. *Id.*, November 25, 1899.

7. *Id.*, October 8, 1900 and January 21, 1901.

8. 1927 SURVEY, Part F. 286. Frederick B. Crossley became Secretary and Librarian in 1901. He retired in 1933 as Professor of Law and Librarian, and was succeeded by Samuel E. Thorne. See note 22, *infra*.

9. N.U. BULLETIN, 1901-02, May, 1902, 236. See also N.U. SCHOOL OF LAW BULLETIN, May, 1902, 19, with the added note: "By September 1, 1902, some 7,000 more volumes will be added, including the remaining American reports."

During the first year of Dean Wigmore's administration the collection was substantially enlarged.¹⁰ As would be expected, the holdings at that time indicated that initially the emphasis was on the development of a strong collection exclusively in the area of Anglo-American Law. However, even at this stage, Dean Wigmore's interest in acquiring a first-rate comprehensive research collection became evident. The first significant step was the acquisition of the Gary Collection of Continental Law in 1903.¹¹ This was followed by the addition of Gary Collections of International law and of Ancient, Oriental and Primitive Law in 1906-07.¹²

The Gary Collections

The significance of the Gary Collections is reflected in a contemporary description of their origin, scope and purpose.¹³ The initial foreign collection, at that time unequalled in any other law library in the country with the exception of Harvard, comprised codes, laws, treatises, reports, and journals of twenty-two European nations. Not included in this figure were collections of state or provincial laws incorporated in larger legal systems, for instance, Bohemia and Bosnia in the Austrian collection, and Finland, Estonia, Kurland, Poland, etc., at that time in the Russian collection. The scope of the collection is also apparent by the fact that complete sets of twenty-five leading French and German legal periodicals had been received by August, 1903.¹⁴

The Gary Collection of Continental Law was formally dedicated on April 29, 1904 in the presence of the foreign consuls of Continental Europe and other guests.¹⁵

By 1910, when the library had 40,000 volumes, other notable collections had been added. The materials supplementing the comprehensive general Anglo-American collection were described as follows: Anglo-American Legal History (2,500 volumes), Modern Continental Law (12,000 volumes), International Law (3,000 volumes), Ancient, Oriental and Primitive Law (2,000 volumes), Roman Law (2,500 volumes), Criminal Law and Criminology

10. N.U. CATALOGUE, 1903-04, 240.

11. *Ibid.*

12. *Id.*, 1906-07, 229.

13. *The Gary Collection of Continental Law and Jurisprudence*, in N. U. SCHOOL OF LAW BULLETIN, August, 1903, 5-9.

14. *Ibid.* See also *Preliminary Catalogue of the Gary Collection of Continental Law*, in N.U. SCHOOL OF LAW BULLETIN, February-April, 1904, 5-34; Crossley, *The Gary Collection*, 18 GREEN BAG 146-59 (1906).

15. N.U. SCHOOL OF LAW BULLETIN, August-October, 1904, 5-6.

(2,000 volumes) and smaller collections of Latin American Law, Jurisprudence and Legal Bibliography. The latter one, ("comprising some 500 volumes and covering all topics and all countries") was at the time referred to as "one of the most extensive of the kind in this country."¹⁶

Essentially, the growth of the library was due to the initiative of Wigmore and the gifts of Gary. Wigmore himself, on numerous trips to all parts of the world, selected and collected the materials. In order to perpetuate the Gary contributions to the development of the library, the name "Elbert H. Gary Library of Law" was assumed in 1911. In 1925, Elbert H. Gary provided the funds for the library building on the Lake Shore Campus, and also established an endowment fund for the acquisition and care of books.

There was an early awareness of the significance of the research collections and an assumption of responsibility to scholars and to the legal profession in general. The underlying aim in acquiring these collections, was "to establish in the West a new center for scholarship and research . . . and to make available here those materials which have heretofore been accessible only in the East or in Europe." From repeated announcements and statements it is evident that the library resources were open to anyone who could profit from their use and that, in addition, reference assistance was offered.¹⁷

Expansion

In the period after the first World War the library expanded steadily. Its collections grew from 46,000 volumes in 1919 to 56,000 in 1923, 70,000 in 1929, 103,000 in 1932, and 110,000 in 1937. In 1940, the library had 115,000 volumes and in 1946 it had 124,000 volumes.¹⁸ The decline in the rate of growth in the latter part of the period can be fully appreciated only if it is kept in mind that the production of books during this period was constantly increasing. But largely because of the aftermath of the Depression and the inadequacy of the book funds the development

16. N.U. CATALOGUE, 1910-11, 203-05 and 1913-14, 232-33. See also Wigmore, A PRELIMINARY BIBLIOGRAPHY ON MODERN CRIMINAL LAW AND CRIMINOLOGY (1 GARY LIBRARY OF LAW BULLETIN, 1909). (BULL. No. 2: BIBLIOGRAPHICAL NOTES ON SOME BOOKS ABOUT RECONSTRUCTION, by Aksel G. S. Josephson, appeared in 1919).

Special recognition to the Continental law collections of the library was given in the general introduction of the CONTINENTAL LEGAL HISTORY SERIES and the MODERN LEGAL PHILOSOPHY SERIES, with the statement that "in the researches of preparation for this series, those materials were found indispensable."

17. N.U. SCHOOL OF LAW BULLETIN, August, 1903, *op. cit. supra* note 13, and later Bulletins; prefatory note to *Preliminary Catalogue*, *op. cit. supra* note 14; see also *The Gary Law Library*, in 15 LAW NOTES 190 (January, 1912).

18. The figures are from the annual bulletins for the respective years.

of the collection for many years had to be curtailed. Yet, during all the years preceding the most critical period of the 1940's attention was given to the research aspects of the library and its comparative law collections, and the library had been featured prominently in Dean Green's 1929 Development Plans. When, in 1926, the present building was occupied, several important collections were added. Notable among them was the Williams Historical Collection of Legal Instruments dating from A.D. 1300 to 1700 of more than 500 original manuscript instruments executed in connection with landed estates.¹⁹

Shortly thereafter the gift of the Chapman and Farrell Collections of Mexican Law laid the basis for enlarged collections from the Latin American countries which at that time numbered 4,000 volumes.²⁰ Another notable addition, the Collection of Pictures, was described for the first time in 1932-33 as numbering some 2,500 pieces. Extensive research for this collection had been carried on in the United States, Great Britain and in nearly every other country of Europe. By 1932 this collection, illustrating the history, personnel and customs of the legal profession throughout the world, included some 40 oil paintings and about 1,000 etchings and engravings, many of them being unique and irreplaceable.²¹

Also developed, particularly after Samuel E. Thorne became Librarian in 1934, were the collections of Ancient, Medieval and Canon Law which always had included the representative medieval writers.²² These sections were enriched by the acquisition of the legal section of a Viennese Carmelite Convent whose collection had been formed in the seventeenth century. It comprised some thousand volumes, including many sixteenth and seventeenth century folio and some incunabula editions,²³ which became an important part of the collection of rare books in the library.

A Critical Period

However, as pointed out before, in general the development of the library in the period during World War II had reached a critical stage. This was not only expressed by the decline in the growth of the collection. While the attenuated student body and

19. N.U. BULLETIN, 1926-27, 330.

20. *Id.*, 1927-28.

21. N.U. SCHOOL OF LAW BULLETIN, 1932-33, 35-36.

22. S. E. Thorne succeeded Frederick B. Crossley, *supra* note 8, and was Librarian from 1934 to 1945. He later was Librarian and Professor of Law at Yale Law School and is now Professor of Legal History, Harvard. S. E. Thorne was succeeded in 1946 by William R. Roalfe.

23. Thorne, in 30 LAW LIBRARY JOURNAL 25 (1937).

faculty reduced the demands for service to a trickle, the small staff was not adequate to select, order and process the books and other materials and at the same time classify and catalog them so as to serve the public effectively.

Obviously if a more propitious development of the library was to be considered, an accelerated increase of the collections was only one of the steps necessary for a rehabilitation. Equally essential was the organization of an adequate staff, the reorganization of the processing operations and the extension of the library service. After the present Law Librarian, Professor William R. Roalfe, assumed his position in 1946, a broad rehabilitation program was implemented for the reorganization of the library and the further development of the collections. The individual stages of this program have been reported in other places. Here, a brief summary must suffice.²⁴

Reorganization and Rehabilitation

Attention was first given to an enlargement of the staff and an increase of the book funds. In 1946 the library had a full-time staff of four persons which was supported by a part-time staff of eighteen. By March, 1949 the staff had been increased to ten full-time and an average of twenty-two part-time members, and by the end of 1959 it reached its present strength of thirteen full-time and sixteen part-time members, including student assistants. Qualitatively, the enlargement of the staff has brought the addition of persons with a diversity of special qualifications. With these additions the staff included highly trained specialists for reference work, for book selection with its attendant bibliographical responsibilities, for foreign and international law, for acquisition work and for classification and cataloging. In addition, there are assistants and a secretary.

Up to 1946, the Elbert H. Gary Fund was the only substantial source of revenue for the purchase of books. In 1947, the "John Henry Wigmore Fund," described earlier in this article, was established. For it, altogether, alumni and friends of the law school have contributed more than \$150,000, a third of which was earmarked for most urgent needs and the remainder was to be used to supplement the Gary Fund over a period of ten years.²⁵ In 1957, the University began to contribute \$27,000 annually on a

24. For a more detailed survey, see Roalfe and Schwerin, *The Elbert H. Gary Law Library of Northwestern University*, 46 *LAW LIB. JOURNAL* 219-34 (1953). See also NORTHWESTERN UNIVERSITY SCHOOL OF LAW ANNUAL REPORT OF THE LIBRARIAN for 1947, and following, especially for 1955-56 (featuring a review of the decade from 1946 to 1956).

25. For the purpose of assisting the Law Alumni Association in setting up the John Henry Wigmore Fund a special brochure, *THE GARY LIBRARY OF NORTHWESTERN UNIVERSITY SCHOOL OF LAW: A REPORT TO THE ALUMNI*, was distributed.

recurring basis to the book fund, a concrete demonstration of the interest of the Administration in the development of the library.

The books purchased with the Wigmore Fund have contributed to the improvement of every part of the collection. Top priority was given to the Anglo-American collections both in expanding their scope, in acquiring missing volumes and sets, and in duplicating certain materials to meet instructional needs.

Immediate attention also was given to the International Law collection because in 1946-47 the subject became a required course and new courses have been added in this field. The development of other courses, such as Admiralty and Comparative Law, necessitated special attention in these fields. Because of the growing interest in foreign law, and because the collections in this field had been especially curtailed during the Depression, a systematic development of the foreign law collections has been resumed. During the last year increased efforts have been made to strengthen the collection of the British Commonwealth and the Latin American collections. A number of additions have been made to the distinguished collection of rare books.²⁶

The purchases of books have always been supplemented by gifts. Among the most important gifts of the last decade have been over 1,800 books, numerous periodical issues and a collection of pamphlets in the field of American law from the personal library of General Nathan William MacChesney, Northwestern University Trustee. More than 1,100 books and about 300 periodical issues, mostly on Roman, Medieval, French and German law, including a number of works in rare editions, were given by Joseph L. Shaw ('03) in memory of his father, George W. Shaw. John S. Miller gave a number of sixteenth, seventeenth and eighteenth century books, predominantly on English law, and from the Estate of Garrard B. Winston, New York, came 303 volumes in the fields of English legal history and criminal law which are noteworthy for their fine bindings. Mr. Lloyd Wynne of Chicago gave 438 volumes of the *Official Gazettee* and 76 other books in the field of patent law in memory of Clarence J. Loftus. Finally, about 600 books, 500 pamphlets and 429 periodical numbers from the personal library of Professor Robert Wyness Millar, centering in the field of civil procedure on a world-wide basis, were given by Mrs. Robert Wyness Millar.

26. For a description of the library, with special emphasis on its foreign and international law collections, see Schwerin, *The Elbert H. Gary Library of Law, Northwestern University and its Foreign and International Law Sections*, 32 ILLINOIS LIBRARIES 168-72 (1950). Two illustrated pamphlets were published by the law school in recent years: THE RARE BOOK COLLECTION, ELBERT H. GARY LIBRARY OF LAW (1954), and THE COLLECTIONS OF FOREIGN AND INTERNATIONAL LAW, ELBERT H. GARY LIBRARY OF LAW (1957). See also note 24, *supra*.

Another method of strengthening the collections, the exchange of materials, has been systematically developed. For the most part, this program is based on the exchange of the three periodicals published by the law school (*The Northwestern University Law Review*, the *Journal of Criminal Law, Criminology and Police Science*, and the *Journal of Air Law and Commerce*) for publications of other institutions both in this country and abroad. On August 31, 1959 the library had exchanges with 315 institutions. Of these, 132 were with institutions in the United States, Canada, Great Britain and Australia. The remaining 183 institutions represent 43 foreign countries with 127 institutions in Europe, 13 in Asia, 4 in Africa and 39 in Latin American countries.

An active cooperation with other libraries has involved not only interlibrary loans, exchanges of duplicates and exchange of information, but has been concerned with the integration of the collections. The most advanced form of this cooperation which began in 1946 and is unequaled by any other group of law libraries, has been the collaboration of the four major law libraries in the Chicago area for the purpose of increasing their combined coverage and of avoiding unnecessary duplication of materials. This library has played a leading role in this collaboration, and the Librarian from the beginning has been the Chairman of the Committee on Coordination of Library Resources of the Chicago Association of Law Libraries. The Library also compiled and published for the Association the *Guide to the Legal Collections in Chicago* (1955) which has been widely distributed in this country and abroad.

Among the major projects initiated with the reorganization of the library in 1946 were the recataloging and reclassification of the collection and the improvement of the library service.

Of these, the first project has progressed to a considerable degree. The classification scheme used in 1946, which had been worked out many years before and had become completely inadequate, was replaced by workable new schemes. The catalog, which reflected many changes in policies, has been revised and rehabilitated. However, there still are certain sections of the collections which have not been covered and the program will not be completed for some years to come.

Considerable success also has been achieved in the second major project, the improvement of the library service. Because the use of the library has been emphasized in a number of courses and the demands made upon the library have increased correspondingly, the burden placed upon the reference department of the library by the faculty and students has increased constantly. Because the library has the largest legal collection in the area,



The Law Faculty in 1960 in front of Robert R. McCormick Hall. Front row (left to right): Schwerin, Murphy, Coons, Trumbull, Reese, Schuyler, Rodiffe. Second row: Hawghurst, Marks, Pedrick, Dean Ritchie, MacChesney, Bind-

man, Aplin. Third row: Rahl, Kirby, Soule, Nekam, Hoban, Morris. Fourth row: Nathanson, Hill, Sacks, Wagner, Becker. Not in Picture: Inbau, Wirtz, Brady, de Schweinitz, Goldstein, Hanley, Kegan, Schaefer.

reference questions from the legal profession and the community as a whole also have constantly increased. The reference service resulting from these calls involves not only books in the English language but books in the foreign collection on a worldwide scale as well. While the staff is not large enough to engage in extended legal research, its reference service is continuous and substantial.

The staff always has felt a keen responsibility in the area of library service and toward the legal profession in general. Several of its members have in the past been and are now active in the work of professional organizations and have made significant contributions to the literature in the field. A Law Librarians' Institute was offered by the law library in cooperation with the American Association of Law Libraries from June 28 to July 2, 1955. For many years the library has compiled bibliographical tools which render an important service to the law libraries of the country and to the profession as a whole.²⁷

VIII

Postscript

We have told here what we conveniently could describe of the people, the events, the ideas and the things which have built a great law school. We know, however, that this short history is no substitute for the more complete account which remains to be written. Indeed, so much has been untold here, and there is so much that we do not know, that upon reflection we conclude that a cautious ending is required.

The story of an institution is the story of the work and lives of people. In the case of a law school, it is principally the story of faculty, students, alumni and administration. Many of the people from amongst all of these groups who have made tremendous contributions to Northwestern's law school, whose great teaching, ideas, labors, gifts and sacrifices have been the difference between much and little, are inadequately appraised or are only barely mentioned here. Many have not been named at all.

Probably the greatest inadequacy here has been the failure to deal sufficiently with Northwestern's professors, both past and

27. The following bibliographical services are issued by the library and members of its staff: (1) *CURRENT PUBLICATIONS IN LEGAL AND RELATED FIELDS*. Endorsed by the American Association of Law Libraries. General Editor: Dorothy Scarborough. Published since April, 1953 as successor to *CURRENT LEGAL PUBLICATIONS* which was published by the library from 1946 to March, 1953. (2) *SELECTION OF FOREIGN LEGAL PUBLICATIONS*, compiled by Kurt Schwerin, has been published by the library since October, 1948. Dorothy Scarborough is also joint editor of the section *Current Publications* in the *LAW LIBRARY JOURNAL*, and Kurt Schwerin compiler of the lists *Foreign Language Periodicals and Articles of Interest* in the *Journal of Criminal Law, Criminology and Police Science*.

present. Among them have been counted more than a few of the giants of the law. Collectively they have been the source and final authority for the educational policies, the teaching and the scholarship which have fashioned a century of legal education at Northwestern.

Were this a history of something less unifying than a great educational cause, we might not be bold enough to publish it. Courage to do so comes from awareness that we have written of a cause which has engrossed the lives and fortunes of many men, and which can therefore be counted powerful enough to keep the imperfections of this article in perspective.

APPENDIX A

NORTHWESTERN UNIVERSITY SCHOOL OF LAW
ENROLLMENT IN REGULAR ACADEMIC YEARS

1859-1901*

<u>Year</u>	<u>Total</u>	<u>Year</u>	<u>Total</u>
1859-60	23	1880-81	101
1860-61	21	1881-82	130
1861-62	20	1882-83	139
1862-63	34	1883-84	101
1863-64	45	1884-85	134
1864-65	44	1885-86	152
1865-66	42	1886-87	143
1866-67	34	1887-88	148
1867-68	34	1888-89	137
1868-69	51	1889-90	138
1869-70	55	1890-91	154
1870-71	34	1891-92	267**
1871-72	17	1892-93	173
1872-73	20	1893-94	140
1873-74	53	1894-95	192
1874-75	66	1895-96	205
1875-76	134	1896-97	188
1876-77	101	1897-98	141
1877-78	124	1898-99	166
1878-79	105	1899-00	211
1879-80	93	1900-01	197

* Source: Figures for 1859-73 are estimates based on alumni lists and are probably lower than the actual enrollment. Figures for 1873 to 1901 are taken from Reports of the Dean of the Law School, in some instances reprinted in the President's Reports.

** In 1891-92, a substantial number of students were enrolled in an evening program which was not continued after that year.

1901-1946*

<u>Year</u>	<u>Degree Candidates</u>	<u>Others</u>	<u>Year</u>	<u>Degree Candidates</u>	<u>Others</u>
1901-02	171	—	1913-14	311	35
1902-03	184	—	1914-15	325	25
1903-04	182	46	1915-16	321	16
1904-05	203	22	1916-17	327	60
1905-06	218	21	1917-18	—	—
1906-07	218	49	1918-19	—	—
1907-08	237	45	1919-20	259	20
1908-09	247	75	1920-21	187	14
1909-10	255	90	1921-22	202	23
1910-11	239	70	1922-23	192	23
1911-12	280	28	1923-24	153	56
1912-13	271	34	1924-25	181	57

* Source: Reports of the Dean of the Law School. Accurate figures for the war years, 1917-19, are not available.

<u>Year</u>	<u>Degree Candidates</u>	<u>Others</u>	<u>Year</u>	<u>Degree Candidates</u>	<u>Others</u>
1925-26	212	33	1936-37	243	8
1926-27	242	35	1937-38	255	10
1927-28	302	11	1938-39	250	4
1928-29	329	13	1939-40	255	6
1929-30	408	14	1940-41	264	8
1930-31	404	11	1941-42	156	5
1931-32	365	12	1942-43	65	4
1932-33	317	9	1943-44	54	3
1933-34	291	24	1944-45	63	13
1934-35	259	12	1945-46	264	23
1935-36	270	9			

1946-1960*

<u>Year</u>	<u>BEGINNING OF FALL TERM</u>			<u>ENROLLMENT ENTIRE ACADEMIC YEAR</u>
	<u>Total</u>	<u>J.D. & LL.B. Candidates</u>	<u>Grad. and Others</u>	
1946-47	N.A.**	N.A.	N.A.	462
1947-48	N.A.	N.A.	N.A.	465
1948-49	461	447	14	531
1949-50	462	450	12	491
1950-51	377	367	10	466
1951-52	351	341	10	386
1952-53	311	297	14	315
1953-54	308	294	14	315
1954-55	312	296	16	333
1955-56	374	361	13	402
1956-57	393	379	14	404
1957-58	377	360	17	403
1958-59	352	337	15	N.A.
1959-60	351	331	20	N.A.

* Source: The figures given do not include Summer enrollment. The figures for enrollment at the beginning of the Fall Term (first 3 columns) are taken from reports made by the School to the Ass'n of American Law Schools and published in the JOURNAL OF LEGAL EDUCATION. The figures in the last column show total enrollment throughout the academic year, and are taken from the NORTHWESTERN UNIVERSITY REGISTER for given years.

** Information is not available.

APPENDIX B

NORTHWESTERN UNIVERSITY SCHOOL OF LAW

DEGREES GRANTED*

1860-1907

LL.B.

1860	11	1884	46
1861	14	1885	42
1862	10	1886	49
1863	11	1887	49
1864	24	1888	51
1865	26	1889	64
1866	24	1890	54
1867	20	1891	62
1868	13	1892	76
1869	20	1893	70
1870	28	1894	48
1871	25	1895	64
1872	10	1896	63
1873	6	1897	76
1874	14	1898	12
1875	26	1899	50
1876	50	1900	38
1877	41	1901	40
1878	35	1902	42
1879	47	1903	44
1880	32	1904	41
1881	29	1905	56
1882	53	1906	50
1883	56	1907	52

1908-1959

<u>Year</u>	<u>LL.B.</u>	<u>J.D.</u>	<u>LL.M.</u>	<u>S.J.D.</u>	<u>B.S.L.</u>
1908	65		1		
1909	70				
1910	63				
1911	51				
1912	80				
1913	56				
1914	56		1		
1915	78				
1916	80		1		
1917	71				
1918	35	1			
1919	52		1		
1920	83	1			
1921	51	4			2

* Source: For 1859-1890, UNION COLLEGE OF LAW, ALUMNI ASSOCIATION, ALUMNI OFFICERS AND INSTRUCTORS: 1859-1890; 1890-1940, N. U. CATALOGUES; 1940 to present, N. U. REGISTER.

<u>Year</u>	<u>LL.B.</u>	<u>J.D.</u>	<u>LL.M.</u>	<u>S.J.D.</u>	<u>B.S.L.</u>
1922	35	14	1		4
1923	26	16	1		6
1924	12	25	1		4
1925	6	27			13
1926	13	34	2		9
1927	7	55			13
1928	7	55	2		24
1929	2	47			36
1930	2	62			32
1931	1	84	1		43
1932	3	74	1		29
1933	1	68	1	1	16
1934		70	1		14
1935	1	75	2		20
1936	14	66	1		21
1937	19	42	2		21
1938	30	42		1	22
1939	16	37	1		7
1940	24	34			18
1941	34	52			16
1942	15	38	1		17
1943	7	9			11
1944	4	4			1
1945	8	11	1		1
1946	7	15			4
1947	29	51			16
1948	45	85	1	1	8
1949	57	129	2		17
1950	26	118	4		18
1951	38	82	1		10
1952	25	88		1	18
1953	27	76	1		18
1954	27	69			16
1955	25	65	2	1	24
1956	27	85	2		20
1957	29	61	1	2	19
1958	35	109	4		5
1959	19	87	3		10
TOTAL (1860-1959)	3458	2187	44	7	603

APPENDIX C

NORTHWESTERN UNIVERSITY SCHOOL OF LAW
LIST OF FACULTY MEMBERS(chronological, in order of year of appointment;
does not include Visiting Professors or Summer Faculty)*

I. Faculty during 1859-91

Henry Booth (Dean, 1859-91)	1859-92	William P. Harding	1871-72
Grant Goodrich	1859-67	Henly A. Wilder	1872-73
John M. Wilson	1859-67	James B. Bradwell	1873-75
Harvey Bostwick Hurd	1862-69;	Nathan S. Davis	1873-96
	1876-1902	James R. Doolittle	1873-76
John A. Jameson	1866-71	Philip A. Meyers	1873-75
Van Buren Denslow	1870-77	Lyman Trumbull	1873-76
John Alexander Hunter	1870-73	James L. High	1876-80
R. Biddle Roberts	1870-72	Marshall D. Ewell	1877-91
		William W. Farwell	1879-93

* Source: N. U. BULLETINS, SCHOOL OF LAW, supplemented by other records of the school.

II. Resident Faculty From 1891 to Present*

Henry W. Blodgett	1891-93	Francis Philbrick	1919-22
(Dean, 1891-92)		Andrew Alexander Bruce	1922-34
Henry Wade Rogers	1891-1900	Edward Franklin	
(President of University;		Albertsworth	1924-43
Acting Dean, 1892-98)		Nellie MacNamara	1928-55
Nathan Abbott	1891-94	(Raymond Foundation)	
Ernest Huffcutt	1891-93	Frederick Dow Fagg, Jr.	1929-38
Melville M. Bigelow	1892-94	Leon Green	1929-47
Edward Avery Harriman	1892-1901	(Dean, 1929-47)	
Blewett Lee	1893-1901	Harold Canfield Havighurst	1930-
John Henry Wigmore	1893-1943	(Administrative Officer,	
(Dean, 1901-29; Dean		1947-48; Dean, 1948-1957)	
Emeritus, 1929-43)		Newman Freese Baker	1930-41
Edwin Burritt Smith	1895-1902	Frederick Hamilton Chetlain	1930-31
Julian William Mack	1895-1902	Minier Sargent	1930-36
Peter Stenger Grosscup	1898-1901	Charles Tilford McCormick	1931-40
(Dean, 1898-1901)		Homer Franklin Carey	1932-50
Charles Cheney Hyde	1898-1925	Samuel Edmund Thorne	1933-45
Albert Martin Kales	1899-1918	(Librarian)	
Charles George Little	1900-41	Carl Bernhardt Spaeth	1934-39
Samuel Adams	1901-09	Gerald L. Wallace	1934-38
Frederic Beers Crossley	1901-34	Walter Wheeler Cook	1935-43
(Librarian and Secretary)		Nathaniel Louis Nathanson	1936-
Henry Schofield	1901-18	Fred Edward Inbau	1936-38;
John Henry Shelden Lee	1902-08		1945-
Louis May Greeley	1902-34	Carl McGowan	1939-46;
Frederic Campbell Woodward	1902-07		1948-49
Roscoe Pound	1907-09	William Willard Wirtz	1939-
Albert Kocourek	1907-52	Brunson MacChesney	1940-
(Professor Emeritus,		Walter Vincent Schaefer	1940-
1940-52)		(Justice, Illinois Supreme	
George Purcell Costigan, Jr.	1909-22	Court since 1951)	
Edwin Roulett Keedy	1909-15	Willard Hiram Pedrick	1946-
Robert Wyness Millar	1915-59	James Andrew Rahl	1946-
(Professor Emeritus,		William Robert Roalfe	1946-
1942-59)		(Librarian)	
Herbert Spencer Harley	1916-31	Daniel Merrick Schuyler	1946-

* Where a person has served at different times in a non-resident capacity and at other times in a resident capacity, his whole period of service has been included here.

Edward Cleaveland Sweeney	1946-57	Howard Raymond Sacks	1956-
William Lucius Cary	1947-55	Vance N. Kirby	1957-
Francis Alfred Allen	1948-53	Alexander Nekam	1957-
Philip B. Kurland	1950-53	John Ritchie III	1957-
William Mavor Trumbull	1952-	(Dean, 1957-)	
Harry Browne Reese	1953-	Kurt Schwerin	1957-
Alan Norman Polasky	1953-57	Claude Raymond Sowle	1958-
Philip John Murphy	1954-	James Willis Hoban	1958-60
(Raymond Foundation)		(Assistant Dean)	
John Edmund Coons	1955-	Edward Brooks Wagner	1960-
(Assistant Dean, 1955-60)		(Assistant Dean)	
Alfred Hill	1956-		

III. Non-Resident Faculty and Lecturers From 1891 to the Present

(does not include Illinois Law Lecturers and lecturers
who did not give a course in the curriculum)

George Washington Smith	1891-94	George Fred Rush	1917-18
Lester LeGrand Bond	1891-1903	Theodore Schmidt	1918-19
Charles H. Aldrich	1892-94	Fred Thulin	1919-30
John Marshall Harlan	1892-93	Charles Hamilton Watson	1918-27
Loren Cone Collins, Jr.	1893-95	James Jackson Forstall	1919-23
James DeWitt Andrews	1896-97	Louis Goldsborough Caldwell	1920-28
Nathaniel Clinton Sears	1897-1904	C. Martin Alsager	1921-26
Frank Orren Lowden	1898-1899	Abraham James Hennings	1921-22
Robert Clowry Chapman	1901-02	Lew Sarett	1921-22
Louis Lee Dent	1901-05	Clayton Crawford	1922-26
Charles Clarence Linthicum	1901-16	Jasper F. Rommel	1922-30
Charles Byrd Elder	1901-38	Edward H. S. Martin	1922-23
Mitchell Davis Follansbee	1901-26	John Maxcy Zane	1923-24, 1928-29
William Meade Fletcher	1902-04		
Otto Raymond Barnett	1902-21	Axel Berg Gravem	1924-27
Henry Clay Hall	1902-26	Harry LeRoy Jones	1924-25
Levi Harper Fuller	1902-15	Morton A. Mergentheim	1924-31
William Henry	1902-03	Clarion DeWitt Hardy	1927-29
William Henry Dyrenforth	1902-21	Charles F. Fitzgerald	1927-28
Henry Lee Prescott	1904-07	Thomas S. Fitzgerald	1927-30
Ebenezer Washington		George M. Weichelt	1927-31
Engstrom	1904-10	DeWitt Wright	1928-34
Joseph T. Robert	1904-12	(Raymond Foundation)	
Charles Pickard	1904-13	Henry Minor Huxley	1928-29
Charles Yoe Freeman	1905-22	Julius J. Puente	1928-30
Dwight St. John Bobb	1905-10	Frank J. Loesch	1929-31
Joseph Ignatius Kelly	1905-07	*Calvin Goddard	1929-34
Herbert Jacob Friedman	1905-09	Herbert D. Simpson	1931-36
Alfred William Bays	1906-21	Kenneth W. Colegrove	1931-32
Albert Keep II	1908-09	Edward W. Morehouse	1931-32
William Dunton Kerr	1911-13	Lawrence D. Egbert	1931-32
Elmer Martin Leesman	1912-51	Richard Spencer	1931-46
Matthias Concannon	1913-14	John W. Brabner-Smith	1931-32
Clinton Merrick	1913-14	Albert Langeluttig	1931-33
William Dean Bangs	1914-16	Ballard Moore	1933-36
Stephen Love	1915-56	*Leonarde Keeler	1934-39
Richard Yates Hoffman	1915-26	*Charles McCormick Wilson	1934-38
Harris Carman Lutkin	1917-23	*Clarence Weinery	
Herbert Pope	1917-18	Muehlberger	1934-39
Harvey C. Carbaugh	1917-18	Irving Goldstein	1935-

* Staff of Scientific Crime Detection Laboratory.

*Maurice Edwin O'Neil	1935-39	George Berkeley Young	1951-54
Daniel Carmell	1936-37	Albert E. Jenner, Jr.	1951-52
William Webb Brady	1940-	Robert Stanley Morris	1951-53
Richard Johnston	1940-43	James E. S. Baker	1952-53
Paul Ziffren	1942-43	Wienczylaw J. Wagner	1952-53
Albert Kegan	1945-	James P. Johnson	1952-57
Adlai Ewing Stevenson	1946-48;	Robert Hanley	1952-58;
	1955-56		1960-
Robert W. Wales	1946-53	Roland K. Smith	1953-56
Robert Schwin Cushman	1947-48	Warren A. Jackman	1953-54
Herbert Brook	1947-56	Joseph R. Julin	1953-59
Henry Leo Hill	1947-57	Irving Brecher	1954-56
Dale Francis Conde	1948-49	Kenneth J. Burns	1955-56
Arthur Raymond Seder	1948-49	Robert L. Farwell	1955-56
Louis Eckert Black	1948-49	Daniel Walker	1955-56
Benjamin Harris	1948-56	Karl DeSchweinitz	1956-
Richard Blakinger	1949-50	James T. Ramey	1956-57
William White Oliver	1949-50	Willis S. Ryza	1956-58
Howard Joseph Trienens	1949-50	Rudolph Carl Blitz	1957-58
Robert Marks	1949-	P. Dawn Clark	1957-58
John Paul Stevens	1950-54,	Harold D. Shapiro	1960-
	1956-58		

* Staff of Scientific Crime Detection Laboratory.

IV. Teaching Associates

Leon L. Polstein	1949-50	J. William Braithwaite	1955-56
Robert L. Roland III	1949-50	William P. Higman	1955-56
Jerome J. Shestack	1949-50	Florence R. Graham	1955-56
Samuel Dash	1950-51	Edward R. Lev	1955-56
Fred P. Ellison	1950-51	Ram K. Dixit	1956-57
Thomas A. Mair	1950-52	Oliver B. Krastell	1956-57
Frank A. Karaba	1951-52	Robert T. McConaughy	1956-57
Henry Rose	1951-52	Robert Stevens	1956-57
Frederick W. Temple	1951-52	David W. Gittinger	1957-58
David V. Kahn	1952-53	Richard E. Speidel	1957-58
George K. Meuth	1952-53	Warren L. Swanson	1957-58
Roland D. Whitman	1952-53	John F. Upson	1957-58
Ralph L. Halpern	1953-54	Frank M. Covey	1958-59
Lawrence Herman	1953-54	Harry G. Holz	1958-59
Paul A. Teschner	1953-54	James E. Pearce	1958-59
George B. Collins	1954-55	Allen E. Schechter	1958-59
James L. Perkins	1954-55	Kenneth L. Aplin	1959-60
James J. Ryan	1954-55	Richard Becker	1959-60
John W. McNulty	1954-55	Geoffrey L. Bindman	1959-60
Nicholas S. Stevenson	1954-55	John P. Morris	1959-60

V. Illinois Law Lecturers

Cecil Barnes	1911-17;	Robert Wyness Millar	1911-19
	1922-24	Ernest Palmer	1911-12
Allan John Carter	1911-17	Stanley Rich	1911-20;
David Owen Dunbar	1911-15		1921-24
James Jackson Forstall	1911-14;	Howard F. Bishop	1912-20;
	1915-19		1921-22
William Brown Hale	1911-18	Sidney Joseph Frank	1912-15
Elmer Martin Leesman	1911-19;	George Ives Haight	1912-14
	1921-22	Ralph Reynaud Hawxhurst	1912-20;
Rex Mackenzie	1911-14		1921-22

Richard Yates Hoffman	1912-19; 1921-27	Thomas S. Fitzgerald	1927-32
Mont Griffith Lockart	1912-16	Arthur Goldblatt	1927-46
Theodore Edwards Rein	1912-17	Milton Kallis	1927-30
Theodore Schmidt	1912-26	Charles Mishkin	1927-38
Carl Augustus Waldron	1912-15	Millard M. Skome	1927-28
William Charles Wermuth, Jr.	1912-15	John W. Kearns	1928-33
William Harrison Haight	1913-24	Nathan D. Schwartz	1928-31
Harris Carman Lutkin	1914-20; 1922-24	David H. Jackson	1929-32
Francis Edward Hinckley	1915-17	Charles Wayland Brooks	1930-33; 1934-35
Albert Stoneman Long	1915-19	Daniel D. Carmell	1930-39; 1940-46
Stephen Love	1915-24	Harold J. Clark	1930-38
J. Scott Matthews	1915-30	James G. Holbrook	1930-43
Edward Woodhull Stoddard	1915-17	Thomas A. Matthews	1930-32
Ira Edward Westbrook	1915-20; 1922-24	Robert M. Woodward	1930-32
Edwin Charles Austin	1917-18; 1922-26; 1934-40	Richard Yates Hoffman	1931-33
Louis Goldsborough Caldwell	1917-18; 1922-23	John S. Miller	1931-34; 1935-36
Homer Hunt Cooper	1917-27	R. Allan Stephens	1931-40
Harleigh Holroyd Hartman	1917-20	Kenneth F. Burgess	1932-35
John Darrow Hubbard	1917-20	Alex Elson	1932-40
George Edward Berglund	1918-24	Thomas J. Matousek	1932-43
George Albert Berry	1918-19	Carl Meyer	1932-33
Philip P. Bregstone	1918-19	James F. Oates, Jr.	1932-36
George Albert, Jr.	1919-20	Julius J. Hoffman	1933-37
Fred Thulin	1919-20	Drennan J. Slayer	1933-35
James J. Glassner	1921-30; 1936-39	Emory J. Smith	1933-34
Meyer Abrams	1922-24	Irving Goldsmith	1934-39
Roy Oral Farrell	1922-24	Len Young Smith	1934-40
Harold L. Feigenholtz	1922-26	George T. Altman	1935-36
Denis H. Grady	1922-26	Howard C. Knotts	1935-41
Walter W. L. Meyer	1922-30	Charles E. Lewis	1935-38
Paul E. Price	1922-24	Barnet Hodes	1936-39
Jasper Frederick Rommel	1922-32	Walter Clyde Jones	1936-38
Walter B. Wolf	1922-23	Raoul Berger	1937-38
Carl H. Zeiss	1922-37	Stuart Bradley	1937-43
George A. Mason	1923-38	Whitney Campbell	1937-40
George M. Weichelt	1923-28; 1932-42	Keith Masters	1937-39; 1940-42
Richard Bentley	1924-27	Howard Neitzert	1937-39
William Burry, Jr.	1924-29	Hamilton Hale	1938-40
Arthur Dixon	1924-32	Albert E. Hallett, Jr.	1938-43
Robert N. Golding	1924-26	Daggett Harvey	1938-39
George H. Gould	1924-27	H. J. Livingston	1938-41
Harry Leroy Jones	1924-27	Stanley Gordon	1939-43
Louis M. Kaplan	1924-30	Elmer A. Smith	1939-48
Joseph M. Larimer	1924-30	Frank E. Quindry	1940-42
Peter Postelnek	1924-30	Harold J. Clark	1946-53
Myer N. Rosengard	1924-26	Stanford Clinton	1946-53
Abram A. Schwarzbach	1924-26	Robert L. Donigan	1946-53
Hubert Van Hook	1924-27; 1946-53	Lowell Hastings	1946-53
Charles F. Fitzgerald	1926-27	Edwin O. Wack	1946-53
Thomas Garth McBride	1926-40	Paul Ware	1951-53
William H. Noble	1926-30		
Owen Rall	1926-31; 1946-53		
Cranston C. Spray	1926-31		
Winslow Whitman	1926-27		
Forrest N. Williams	1926-29		
Kent G. Chetlain	1927-32		

**VI. Special Lecturers
(Since 1953)**

Robert L. Donigan	1953-54	Joseph D. Lohman	1954-55
Owen Rall	1953-	Albert K. Orschel	1954-55
Paul Ware	1953-54	Virgil Peterson	1954-
		Gary Nathan Calkins, Jr.	1958-

APPENDIX D

**PRESIDENTS OF
NORTHWESTERN UNIVERSITY LAW ALUMNI ASSOCIATION***

(Since 1901)

Frank O. Lowden ('87)	1901-03	Frederic R. DeYoung ('97)	1926-28
Charles C. Linthicum ('82)	1903-04	Elias Mayer ('03)	1928-29
Thomas Hoyne ('66)	1904-05	Henry Barrett	
Thomas J. Holmes ('85)	1905-06	Chamberlin ('88)	1929-34
Edgar B. Tolman ('82)	1906-07	Charles O. Rundall ('06)	1934-35
Frank H. Scott ('78)	1907-08	Stephen Love ('11)	1935-36
Alfred D. Eddy ('79)	1908-10	Harold Clark ('15)	1936-37
Frank J. Loesch ('74)	1910-11	Theodore Schmidt ('09)	1937-39
John J. Herrick ('68)	1911-12	Cranston Spray ('23)	1939-41
Clare E. More ('85)	1911-12	Edward J. Metzdorf ('29)	1941-43
Ben M. Smith ('90)	1912-13	Robert W. Schupp ('11)	1943-46
Frank O. Lowden ('87)	1913-14	Alexander H. Marshall ('13)	1946-48
Joseph N. Fitch ('81)	1914-15	O. Lowell Hastings ('28)	1948-49
Mitchell D. Follansbee ('94)	1915-17	Stanford Clinton ('31)	1949-52
Maclay Hoyne ('97)	1917-18	James E. S. Baker ('36)	1952-54
George A. Mason ('94)	1918-19	Don H. McLucas ('35)	1954-56
Roswell B. Mason ('97)	1919-21	Douglass Pillinger ('31)	1956-57
Charles M. Thomson ('02)	1921-23	Harold A. Smith ('21)	1957-59
Homer H. Cooper ('14)	1923-26	Julius J. Hoffman ('15)	1959-

* Source: N. U. BULLETINS, SCHOOL OF LAW